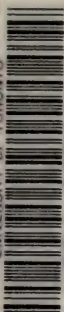


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OBSERVATIONS

ON THE

STATUTES OF THE UNIVERSITY

OF

CAMBRIDGE.

BY

GEORGE PEACOCK, D.D., V.P.R.S., &c.

DEAN OF ELY.

LONDON:

JOHN W. PARKER.

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George Keacock Fellow of Trinity College, was a well known personage in the University of Cambridge in my time 1833-1837. He was in advance of most of his contemporaries in his ideas regarding the then existing University system, and was accordingly somewhat frowned upon by the authorities of the place; but he was speedily presented with the Gleamery of Ely, by a whig Prime Minister, Lord Melbourne I think, in succession to Dr Wood, Master of St. John's.

H. S.

P R E F A C E.

THE following "Observations" originated in a request to print a Commemoration Sermon preached in the Chapel of Trinity College, which noticed, though in a very cursory manner, some of the topics which they embrace. In preparing the Sermon for the press, I found it impossible to do justice to so important a subject, without entering into a minuteness of detail and an extent of investigation which was totally incompatible with the form of publication which I had at first proposed.

I am aware that there are some reforms recommended in the following pages which may appear to many persons to be more sweeping and fundamental than the evils which they are designed to remedy would altogether warrant, and I have consequently never ventured to indulge the hope that the suggestions which I have made would be adopted by the University in the precise form in which I have proposed them: but whatever may be the fate which they are destined to experience, I shall feel satisfied that my labours have

not been in vain, if they tend to forward such changes as may make a strict obedience to our statutes at once practicable and reasonable, and restore to our oaths and declarations their just force and obligation.

In discussing so many topics connected with the existing state and administration of the University, it is very possible that some expressions may have escaped my notice which are calculated to give pain to some members of the University: if such should unfortunately be the case, I can only express my unfeigned sorrow, and declare, with the utmost sincerity, that nothing could be more entirely opposed to my intentions and feelings.

I have printed in two Appendices the Bedell's Books of Matthew Stokes and of John Buck, taken from Cole's MSS. in the British Museum: the first gives a most interesting picture of the customs and ceremonies of the University before the Reformation, when the ancient statutes were in force: the second furnishes a very minute account of them immediately after the Restoration; they are both of them calculated to explain some of the most obscure points of our academical laws.

G. P.

DEANERY, ELY,

December 21, 1840.

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OBSERVATIONS
ON THE
STATUTES OF THE UNIVERSITY
OF
CAMBRIDGE.

CHAPTER I.

ON THE ANCIENT AND STATUTABLE CONSTITUTION OF THE
UNIVERSITY, AND THE CHANGES WHICH IT HAS
UNDERGONE.

THE Statutes of the University of Cambridge, and of nearly all the Colleges of which it is composed, have undergone few essential changes in the course of nearly three centuries, whilst very few vestiges remain of the system of education which they prescribe, or of the practical regulations which they enforce. If the inconveniences which resulted from the continuance of this remarkable discrepancy between the theory and practical working of the constitution of these bodies, were confined to the retention of a few unimportant forms which have lost their original import, and which neither tended to weaken the sense of the strict obligations of oaths, nor to embarrass and retard the progress of important improvements in the scheme of academical education or government, they could hardly be considered as sufficient to justify a departure from a system, which not only possessed the sanction and authority of antiquity, but which had been shown by experience to be capable of accommodating itself to the varying wants, as well as to the varying habits, of different ages; but a very slight examination of some of those statutes, which the university possesses no power of altering, without an appeal to an authority external to itself, will be sufficient to prove that those

inconveniences are neither few nor unimportant, and are such as not merely justify, but absolutely require, a decisive and comprehensive reform.

In considering the system of statutes which govern, or are presumed to govern, the modern practice of the university, we must distinguish carefully between those which *are not*, and those which *are*, capable of being repealed or changed by the authority of the senate alone. To the first of these two classes belongs the Code of Statutes of the twelfth year of Elizabeth, and some very nearly contemporary interpretations of them which were sanctioned by the authority of Lord Burleigh¹, who was chancellor of the university; and also such parts of the Royal Letters of James the First and of the First and Second Charles², as were accepted by distinct graces of the senate, or which are now deemed to have been so accepted by the silent acquiescence and subsequent practice of the university: whilst to the second class may be referred the system of by-laws which have been passed from time to time by graces of the senate, the decrees of the heads of houses, (which possess no authority when they cannot be considered as legitimate interpretations³ of the Elizabethan statutes,) and a great body of ancient statutes, many of which were re-enacted either directly or by implication in the Elizabethan code, whilst many others have either become obsolete or have been superseded by others of later date⁴.

¹ Amongst these may be mentioned the interpretation made in 1575, *De gratiis concedendis*, which is the foundation of *per saltum* degrees, though the present practice of the university, in one most important particular, is equally contrary to its letter and spirit. See Note 1, p. xvii., App. A.

² Before the Revolution of 1688, the boundaries of the royal authority, in dispensing with the statutes and charters of corporate bodies, were very imperfectly defined; but it has been customary to consider these Royal Letters, when accepted or acted upon, as possessing co-ordinate authority with the Elizabethan statutes.

³ The heads of houses are the authorized interpreters of the Elizabethan statutes, but such interpretations are presumed to be framed in accordance with the plain grammatical meaning and legal import of the words of the statutes themselves: the same body has frequently claimed and exercised the right of interpreting graces of the senate, a manifest usurpation, since the senate itself is the proper interpreter of its own acts.

⁴ The Elizabethan statutes left all those old statutes and customs (*Statuta Antiqua et laudabiles Consuetudines*) in force, which were not contrary to the provisions of the New Code. It is,

The principal object proposed in the following observations, will be to contrast the ancient and statutable constitution of the university, with the form which it has assumed in modern practice: to point out the very general, and almost necessary, neglect of the spirit and positive enactments of the statutes, whilst their literal provisions are retained: to exhibit some of the difficulties which they oppose to the progress of rational improvements in our scheme of education and government: and finally, to suggest such changes as may bring the theory and practice of the constitution of the university into some degree of accordance with each other, and may tend, by enlarging the sphere of its utility, to increase its just claims to the respect and support of all classes of the community. In the present chapter, we shall chiefly confine ourselves to a sketch of the statutable constitution of the university and of the different changes which it has undergone.

At the period when the present statutes were framed, students usually entered the university between the ages of fourteen and sixteen¹, or at least three years younger than the great body of students at the present time. They were compelled to become members of particular colleges, and two, three, or four of them lived in one chamber, according to the size and extent of accom-

however, extremely difficult to define the precise limits of the powers of the senate in the alterations of such statutes. Graces, which are contrary to the Elizabethan statutes, are declared to be *null* and *void*, and dispensations of those statutes which refer to time and form are prevented, by subjecting the vicechancellor and other members of the Caput who consent to them, to the guilt of perjury (Statuta 12 Elizabeth, cap. 21). Those statutes which originate in Royal Letters may be repealed by the joint assent of the authority which gave them, and of the senate which accepted them. It would not appear, however, that any legal difficulty, or imputation of perjury, would prevent the repeal of any

practice or statute, however ancient or long-continued, which had a different sanction or a different origin.

The very first grace which appears in the statute book in 1573, after the promulgation of the Elizabethan code, is a relaxation of an ancient statute; thus showing that the authority of the senate with respect to the ancient statutes was considered at that time to be in no respect diminished by the new system of laws.

¹ The usual age at which students are admitted, at the present time, is between eighteen and nineteen: in the college or university statutes, students of the age of eighteen years and upwards were called *adults*, and their offences were punished by fines, imprisonment,

modation of the college to which they belonged¹. They were generally confined within the walls of their respective colleges, except during their attendance upon the lectures and exercises in the public schools, where their presence was secured by proper monitors appointed for each class and college, who were required to report the names of the absentees to one of the bedels, and through him to the vicechancellor, who exacted the statutable penalties and fines². No student below the standing of a bachelor of arts of his second year was allowed to go into the town³, unless accompanied by a master of arts: and the exclusive use of the Latin⁴, Greek; and Hebrew languages, in their conversation with each other, or with their superiors, was strictly enforced. During every hour of the day, and in every action of their lives, they were under the vigilant and jealous control and guardianship of the statutes. Before they quitted their chamber in the morning, or retired to rest at night, they were directed, upon their bended knees and in an express form of words, to address their prayers

rustication, or expulsion; all younger students were subject to corporal punishment, which, in Trinity College, was inflicted upon the delinquents in the hall at seven o'clock on every Thursday night, in the presence of all the under-graduate students.

¹ By the statutes of Trinity College, a doctor of divinity was allowed a chamber to himself, which was naturally considered to be a very valuable privilege: a fellow, who was only M.A. or B.D., occupied a chamber in conjunction with one scholar or sizer and two pensioners: four scholars, pensioners, or sizers, were assigned to one chamber, if it was sufficiently large to receive them. In St. John's College, more than two fellows were not allowed to live in the same chamber; but all doctors of divinity, college preachers and the seniors, occupied separate chambers in company with two scholars: separate beds were provided for all scholars above the age of fourteen. To keep order in a household

thus constituted it was provided that, "unusquisque in cubiculo suo honestè se gerat et neque immoderato clamore, neque risu profesto neque canticis neque strepitu, saltatione aut musicis instrumentis vicinum a somno, quiete aut studio impediat."

² *Stat. 12 Eliz. cap. 5.*

³ He, too, was not allowed to do so, unless accompanied by another bachelor of arts of equal or superior standing.

⁴ Every student was presumed, upon his admission to the college, to be acquainted with the elements of the Latin language: and it was forbidden, by the statutes of Elizabeth, to teach Latin grammar in any college (except to the choristers of King's, Trinity, and St. John's), probably with a view to prevent the admission of unqualified students. In Note 2, p. v., App. A., references are made to the statutes of Clare Hall, King's Hall, &c., permitting the use of the French as well as of the Latin language. An examination of the ancient statutes of St. Peter's

to God for protection and for blessing¹. At five o'clock they assembled in the chapel of the college to assist in the morning service of the church, which was followed, on three days of the week throughout the year, by common places or dissertations on theological subjects by some one of the fellows²; and on all other mornings by a prescribed form of prayer, peculiarly adapted to their condition as students and to the duties which they were called upon to perform³. These services terminated at six o'clock, when all the students proceeded to the hall, to hear the lectures, and to perform the exercises, which the statutes prescribed.

The system of instruction in Trinity College was placed under the general superintendence of the head lecturer, who was assisted by eight lecturers: to four of them, who were called *sublectores*, was assigned the important subject of logic or dialectics, which, during so many ages, had continued to occupy so large a space in the scheme of academical education⁴: the first of

College, since that note was printed, has shown that the statement there made is not perfectly correct: the scholars at table and elsewhere are directed to use "*Latino eloquio, nisi forsitan alibi Gallico, sed perraro Anglico fruantur, et quilibet scholaris si socium audiat contrarium facientem eum arguat civili modo et correctionem hujusmodi mutuâ charitate recipiant singuli patienter.*" In the more ancient statutes of Merton College, where Latin alone is allowed to be spoken, the grammar master is directed to correct the blunders which were made, and to assist the speakers when in difficulties.

¹ See Statuta Collegii S.S. Trin. cap. 16, and Statuta Collegii Divi Johannis, cap. 21, where the prayers (the same in both) to be used in the private devotions of students are given.

² Statuta, 12 Eliz. cap. 50, p. 265.

³ Statuta Coll. S.S. Trin. cap. 16.

⁴ The whole system of study prescribed in our academical statutes, shows the unbounded respect and reverence paid to the name and writings of

Aristotle. Thus, the head lecturer of Trinity College is directed to give lectures on the Physics, the Meteora, or the books de Ortu et Interitu, of Aristotle; and it is further added, "*Præter Aristotelem, in docendo philosophiam, alium authorem præterea neminem interpretetur.*" A similar sentence occurs in the statutes of Clare Hall: and in those of St. John's College, where the system of public instruction, and the mode of conducting it, closely resembled that prescribed for Trinity College, it is said, "*Nolumus autem alioqui quenquam philosophicum aut dialecticum publice legendum præter Aristotelem, in aulam adduci: nisi forte lector publicus aut qui magistri artium futuri sunt Timæum Platonis aut aliquem electum ejus dialogum explicare velint.*" In the statutes of the University of Oxford, which were compiled and systematized in 1634, under the authority of Archbishop Laud, the supremacy of this great author is repeatedly asserted in the most emphatic terms: *let them propose, say*

these lecturers expounded the Topics of Aristotle; the second, Rodolphus Agricola de Inventione, or the Elenchi or Analytics of Aristotle; the third, the Prædicabilia of Porphyry, the Categories or Prædicaments of Aristotle, or his books de Interpretatione; the last, the introduction to logic by Seton, as preparatory to the study of Porphyry and Aristotle¹. Each of these lecturers devoted one hour to the exposition of his subject or author, and half an hour to the examination of his class: and

the statutes, (speaking of the determining bachelors,) *logical questions, and defend them according to Aristotle, Cujus SUPREMA SIT AUCTORITAS*. There was no attempt made, in those days, to discriminate between the merit and authority of his different writings; and his Physics, Problems, and works on Natural History and Arrangement, were equally, if not more, esteemed than his dialectical, rhetorical, and ethical writings, which have always commanded and deserved the attention and admiration of mankind.

¹ A decree of the faculty of arts of the University of Paris, in 1254, defining the time during which the lectures of the regent-masters, on the different subjects, should be continued, gives the following picture of the course of logical and philosophical study which was followed in those days. The masters had terminated their readings with undue haste, which led to this statute. "Ordinamus et statuimus quod omnes et singuli magistri nostræ Facultatis in posterum libros quos in Festo B. Remigii inciperent, temporibus inferius annotatis absolvere non ante teneantur. Veterem Logicam, scilicet veterem Logicam Porphyrii, Prædicamentorum, Peri erminias, Divisionum et Topicorum Boëtii, excepto quarto, in Festo Annunciationis B. Mariæ Virginis vel ultima die legibili, (Note, App. A. p.iii.) præcedente. Priscianum majorem et minorem,

(Note 1, p. xxx. App. A.) Topica et Elenchos: Priora et Posteriora (Note 1, p. v. App. A.) dicto tempore vel æquali terminare teneantur. Ethicam, quantum ad sex libros in 12 Septimanis, si cum alio legantur: si per se et non cum alio, in medietate temporis. Tres parvos libros, videlicet sex Principia, Barbarismum, Priscianum de accentu, si simul legantur et solum, in sex Septimanis. Physicam Aristotelis, Metaphysicam et librum de Animalibus in Festo S. Johannes Baptistæ. Librum cæli et mundi, lib. 1, Meteororum cum 4 in Ascensione. Librum de anima, si cum Naturalibus legatur, in Festo Ascensionis: si autem cum Logicalibus, in Festo Annunciationis B. Virginis. Librum de Generatione in Cathedra St. Petri. Librum de cænsis in 7 Sept. Librum de Sensu et Sensato in 6 Sept. Librum de Somno et vigilia in 5 Sept. Librum de Memoria et reminiscencia in 2 Sept. Librum de differentia Spiritus de Animæ in 2 Sept. Librum de Vita et Morte in 1 Sept." (BULÆUS. *Hist. Univ. Paris*, tom. iii. p. 280.) The logical works of Porphyry and Aristotle were chiefly known through the translations, or rather commentaries, of Boëtius: the other works of Aristotle, through Latin translations derived from the Arabs. An excellent account of all the works of Aristotle is given in BLAKESLEY's *Life of Aristotle*, chap. viii.

it was the more especial duty of the head lecturer to distribute the different classes amongst the different lecturers, to see that both the teachers and their pupils fulfilled their duty, and to enforce it, when necessary, by admonition or fines, and in the case of the younger students, by corporal punishment: he was directed likewise to examine, from time to time, the different classes, and to stimulate their exertions by encouragement or rebuke.

Four other lecturers were appointed to teach the languages and liberal arts: the first, or *lector Linguae Græcæ*, expounded Homer, Hesiod, Isocrates, Demosthenes, Plato, or some other important Greek author of the classical age, and his lectures were attended by all the students, those only excepted who were selected by the head lecturer and senior dean on account of their superior proficiency, to attend the lectures of the Greek professor in the public schools. The *lector humanitatis sive lingue Latinæ* was directed to explain the philosophical works of Cicero, and upon every Saturday the whole body of students (bachelors of arts and certain selected students excepted) were required to attend his lectures on rhetoric, or on the *Pro-gymnastica* rhetorices: it was his especial duty, likewise, to instruct all the students in the principles and method of Latin verse composition, to propose subjects for Latin verses, and to take care that all were capable of writing them. The *lector mathematicus* was required to instruct the younger students in arithmetic and geometry, and the bachelors of arts in the knowledge of the sphere, cosmography, astronomy, and lastly, music¹. The *lector Græcæ grammaticæ* instructed the younger students in the Greek grammar, using for that purpose the grammatical institutions of Clenardus, Cæporinus, or Gaza; and he was directed to subject them to repeated examinations in the

¹ Music is here considered, with reference to its mathematical, or rather its arithmetical, principles, as the last of the sciences of the *Quadrivium*, the other three being arithmetic, geometry, and astronomy. The *Trivium* included

grammar, logic, and rhetoric: these, with the *Quadrivium*, constituted the *seven liberal arts*, considered apart from philosophy, though the *Trivium* was much more extensively, and more exclusively, studied than the *Quadrivium*.

inflexions of nouns and verbs, in peculiar phrases and figures of speech, and such other rules of grammar and syntax as were requisite to be committed to memory.

At nine o'clock the college lectures generally ceased, and the great body of the students proceeded to the public schools, either to hear the lectures of those professors which they were specially selected to follow, or to listen to or take part in, the public disputations which were requisite for the degrees of bachelors or masters of arts. They dined at eleven o'clock, and at one o'clock they returned to their attendance on the declamations and exercises of the masters and bachelors of arts. From three o'clock until six they were at liberty to pursue their amusements, or their private studies: at six o'clock they supped in the college-hall, and immediately afterwards they retired to their chambers. There was no evening service on ordinary days in the college-chapels prescribed by the statutes¹: this was subsequently introduced, and the morning service modified in conformity with the provisions of the Act of Uniformity.

Four complete years, devoted to the prescribed course of study, were required for the degree of bachelor of arts. The first of these, in connexion with those general classical studies which were pursued during the whole of this period, was more especially occupied by Greek grammar, rhetoric, arithmetic, and the introduction to dialectics; the second and third by logic, and the fourth and last by philosophy, in the sense in which that term was then understood, and also by the more difficult Greek authors. After the completion of their studies in logic, they were created *general sophisters* by the authorities of their colleges, an appointment which authorized them to partake in the disputations in the public schools, including an attendance upon the *determiners*², or incepting bachelors of arts, whilst *standing in quadragesima*. When they had completed their *quadriennium*³, and had kept two

¹ Provision was made for the entire service of the Church, both morning and evening, on all Sundays and holy-days, and their eves.

² See App. A. and notes, p. iv., and App. B. p. lxviii., where the cere-

monies of *standing in quadragesima* are described at great length.

³ The term of admission, (that *in* or *before* which the name is placed upon the boards of some college,) and the term of graduation (in which the de-

responsions and two opponencies under the regency of a master of arts, and also similar exercises *in suo grege*, by way of practice and preparation, they were presented, after being examined and approved in their own colleges, as candidates for admission *ad respondendum quæstioni*. Such candidates were called *quæstionists*, and on the Monday, Tuesday, Wednesday, and Thursday, of the week preceding Ash Wednesday, or at some earlier period in the same term, they were examined in the philosophy schools by the proctors, posers¹ (subsequently called moderators), and other regent masters of arts. Those who were approved in this examination, were presented, with a proper *supplicat*² from the authorities of their colleges, to the vicechancellor and senate; and if the prayer of the petitioner was granted, he was admitted by the

gree is conferred) are now given without residence, reducing the quadriennium or twelve terms, in ordinary cases, to ten. Though the statute prescribing the quadriennium is perfectly express and unambiguous, we find that one term of the twelve was dispensed with by the interpretation of the Heads in 1578 (*Stat. Acad.* 324); the dispensation of a second is referred to, as sanctioned by practice, in a decree of the Heads in 1681. (*Ibid.* 501.)

¹ See Note 2, App. A. p. xiii., and App. B. p. lxxv.; the following grace for admission to a B.A. degree in the year 1542, will show that the term *posers* was a corruption of *oppositores*. "Conceditur Edvardo Thwayt, ut 12 "termini in quibus ordinarias lectiones "audivit per majorem partem *in toto* "cum responsionibus et oppositionibus "requisitis sufficiat ei ad completè et "finaliter determinandum cum cæteris "hujus anni determinantibus. Ita quod "ejuseruditio approbetur per *oppositores* "vestros et stet in scholis cum cæteris "hujus anni baccalaureis." It would thus appear that the grace for admission by the chancellor, and most probably the admission itself, preceded, in those days, the examination by the

posers: a course of proceeding which would explain some difficulties in the passage from Stokys' book, which is referred to at the beginning of this note. In later times, the admission followed the examination by the posers.

² The form of the *supplicat* is as follows:—"Supplicat Reverentis vestris A.B. ut duodecim termini completi, in quibus ordinarias lectiones "audiverit (licet non omnino secundum "formam statuti) per majorem partem "eujuslibet termini, una cum omnibus "oppositionibus, responsionibus, cæterisque exercitiis per Statuta Regia "requisitis, sufficiant ei ad respondendum quæstioni."

The qualifying clause, *licet non omnino secundum formam statuti*, was sometimes introduced into graces for degrees, before the reign of Elizabeth, when some remission of form had been granted by dispensation or otherwise, as was usual in those days, (*Statuta Antiqua in ordinem non redacta*, page 108:) it was introduced occasionally into *supplicats* soon after the granting of the Elizabethan statutes, to satisfy the scruples of the petitioner or of the members of the caput when some unimportant form prescribed by the statutes

vicechancellor *ad respondendum quæstioni*. On some subsequent day before Ash Wednesday, he accompanied the other quæstionists of his college to the public schools, where the *question* which was taken out of the *Prior Analytics* of Aristotle, was proposed by the father, and answered by his son¹. The incepting bachelor now became a *determiner*, and after *standing in quadragesima* from Ash Wednesday² to the second Tripos day or the Thursday before Palm Sunday, he was pronounced by the proctor to be a full and complete bachelor of arts.

The bachelors of arts were strictly confined to residence³, like all other students; and were required to devote the three years which elapsed before they were admitted to the degree of Master of Arts, to the study of the Aristotelian philosophy, particularly the physics and metaphysics, and likewise of astronomy, cosmography, music, and the Greek language⁴: they attended the lectures

had not been observed. In later times it has continued to be introduced, when *no ordinary lectures have been heard*, (Note 2, App. A, p. iv.,) *no responses or oppositions have been made*, and when *no one condition of the royal statutes has been complied with*, though the qualifying clause is applied to the ordinary lectures only. The same observation may be applied to nearly every *supplicat* which is presented to the senate: they are essentially *false*, in the sense which the words, in which they are expressed when these forms were first drawn up, were intended to bear.

The form of the grace (equivalent though not the same with the *supplicat*) which is given in the preceding note, shows that the greater part of each of the twelve terms of the *quadriennium* had been kept: when dispensations were allowable and granted, the fact was stated in the grace of the petitioner, without any evasion.

¹ This ceremony was called entering the questions, or *introitus priorum*. (Note 1, App. A., page v., App. B., page LXviii.)

² In the year 1641, a grace was passed to change the first Tripos day from Ash Wednesday to the following day.

³ Such was the law, and such is still the statute, though its rigorous enforcement was soon found to be impracticable: and we consequently find that by a bold interpretation of the statute made by the heads of houses in 1608, the continued residence of a bachelor of arts in the university between his final *determination* and his admission *ad incipiendum in artibus* was dispensed with, provided he was found, at the end of three years, competent to perform the statutable exercises required for the degree of master of arts. One of the chief reasons assigned for the adoption of this interpretation, which unquestionably amounted to such a dispensation of the Elizabethan code as was forbidden under the imputation of perjury, was the habitual neglect of the provisions of the statute, which had prevailed ever since the period of its first promulgation.

⁴ *Statuta 12 Eliz.*, cap. 7, p. 229.

which were given upon these subjects, both in the college and university, and were compelled to be present at all public disputations of masters of arts, *aperto capite*, and were not allowed to quit the schools, without express leave obtained from the proctors. They were required to make three responsions, a regent master of arts opposing them: two responsions, also, by way of practice, in *suo grege*, and also one declamation. At the end of three years from their final determination, as bachelors of arts, (immediately after the second Tripos day,) they were admitted by the chancellor or vicechancellor *ad incipiendum in artibus*, provided they had been approved, after a proper examination, by the authorities of their college, and that the *supplicats* or *graces* for their admission had been sanctioned by the statutable deposition¹ of the regent masters present at the congregation. The degree, however, of Master, *professor*², or teacher of arts, (of the *Trivium* and *Quadrivium*,) was not yet complete; for in no instance, in this university or in any other, could the chancellor or his representative confer the honours of the regency by his own authority, either in arts or any other faculty; and there yet remained to be performed the exercises of *inception* or *commencement*, and the formal ceremony of *creation* or admission to the regency, which took place at the *Vesperiaræ Comitiorum* and the *greater Comitia*; the latter on the first Tuesday of July, and the first,—as the name implies,—on the preceding day³.

Every master of arts, upon his creation or admission to his regency, was sworn to continue his regency for five years, an obligation which confined him to nearly continued residence during the whole of that period, and compelled him to take his

¹ The meaning of this deposition is explained in Note 1, App. A., p. vii. and viii., and App. B., p. lxxiv.

² Masters of arts were also called *professores artium*, in the same manner that doctors of divinity, law, and physic were called professors of these faculties. Thus in the *University Register* for 1548, we find notice of a permission given by the vicechancellor and proctors to Mr. Dee, fellow of Trinity Col-

lege, (afterwards the celebrated Dr. John Dee,) who is styled *actu in artibus professor*, to commute certain exercises in the schools with another person; see likewise the lists of degrees given in Note 1, App. A., p. xlix.

³ The ceremonies of the vespers and commencement are described at great length in App. A., p. xx., and App. B., p. lxxix.

regular course of duty in the philosophy schools, of presiding or opposing in the disputations of the bachelors of arts: he was required likewise to be a diligent and daily hearer of the lectures of the professors of theology and Hebrew during the five years of his regency, during which period he was required to oppose a bachelor of divinity twice, to respond once on theology at the end of four years¹ (unless he became a student in civil law or medicine), and after preaching once in Latin, and once in English, in St. Mary's Church, and once likewise at St. Paul's Cross², he was at the end of seven years admitted bachelor of divinity.

¹ During the four first years of their regency, masters of arts were not required to choose their profession, whether of theology, law, or physic; but at the end of that time they were compelled to make their election, and to attend and partake in the lectures and disputations of their proper faculty. Such was the system when all masters of arts were necessarily resident or presumed to be so, and when therefore no doubt could exist with respect to the election which they had made. In modern times, when very few regent masters are resident, all are presumed to choose theology, unless an express declaration is made for one of the other faculties: and it not unfrequently happens that a master of arts who proposes to graduate in civil law or in physic, who has neglected, from ignorance of the custom, to make the requisite declaration, is precluded for ever from the choice and exercise of that profession to which his studies have been directed. Such a scrupulousness in the observation of one very unimportant provision of a statute, (*Stat. Acad.* cap, 25, p. 237,) every other part of which is entirely neglected or violated, is sufficiently remarkable, even if no doubt could be raised with respect to its meaning or necessity; but it is quite evident that no such formal de-

claration was required by the statute itself, the appearance of the master *daily* in the schools of the professors of those faculties, in attendance upon their lectures, or in open participation in the disputations of his proper schools, affording a sufficiently conclusive evidence of the nature of his studies, and of the profession which he had chosen. It appears, therefore, somewhat unreasonable, that when the professors themselves totally neglect (whether from necessity or choice) to give the lectures and to provide the disputations which the statutes prescribe and require, that they should be allowed to exact a strict and literal adherence to the statute for requiring a declaration in a form which that statute never contemplated. We have been induced to refer more minutely to this statute than its importance would appear to deserve, in consequence of the very vexatious and somewhat oppressive application of it which has been made in some recent instances.

² By a grace passed on the 2nd of July, 1647, the following *cautela* was introduced into this part of the oath of a B.D. or D.D., *si legitime vocatus fuit et justâ causâ non impediatur*. The subsequent destruction of St. Paul's Cathedral and removal of this cross made this *cautela* unnecessary.

But even this accession of academical rank and dignity brought no alleviation of his labours: a similar course of studies and of exercises awaited him during another period of five years more, at the end of which time he was admitted with the legitimate ceremonies, doctor in theology, (in law, or in medicine.) *Post tantum laboris et tot pericula atque examina, nolumus* (say the statutes, cap. 11, p. 234) *plus laboris doctoribus imponere quam ipsi volunt sua sponte suscipere*; but still, as if reluctant to quit their victim,—

Non missura cutem nisi plena cruoris hirudo,—

the statutes subject him to a fine of 40s., (which in those days of academical poverty was a very serious penalty,) unless within one year of his admission to his degree, *questionem ipse sibi proponat in scholis publicis cujus ambigua et dubitationes in utramque partem enucleaverit definiat determinabitque*¹.

Those regent masters of arts, who proceeded in civil law or physic, might become doctors in those faculties at the end of seven years. A bachelor of arts might become bachelor of civil law within five years of his degree; and a student in civil law, or in medicine, might become a bachelor of civil law, or of physic, at the end of six years from the beginning of his residence in the university. A bachelor of civil law, or of physic, might attain the doctorate in his proper faculty within five years of his bachelor's degree. In all cases, provision was made for the proper attendance upon the lectures of the professors of those faculties, and for the performance of the proper exercises in their schools².

Such were the statutable conditions imposed by the Elizabethan code for the attainment of degrees in arts and the different faculties. The course of studies which they prescribed differed very little, if at all, from that which had been followed under the

¹ *Stat. 12 Eliz.*, cap. 11, p. 231.

² The conditions imposed by the Elizabethan code upon the attainment of degrees, were in all cases more severe than those of the ancient sta-

tutes: the period from M.A. to B.D. was increased from five years to seven; from B.D. to D.D., from four years to five; from M.A. to LL.D., or M.D., from five years to seven.

ancient constitution of the university, except so far as it had been modified by the invention of printing, the multiplication of books, the study of the Greek and Hebrew languages, the abolition of the study of the canon law, and the reformation of religion. In all cases, however, the intervals which separated the periods of graduation in the different faculties were considerably increased, dispensations with regard both to time and form were forbidden under the penalty of perjury, and the continued residence of regents and others within the university, not only extended in duration, but also enforced with great additional severity. The same code of statutes proposed, and effected likewise, a great and fundamental change in the constitution of the university, by the very extraordinary powers given to the heads of houses and the Caput, and the corresponding reduction of the privileges of the proctors and of the non-regents and regents in their respective houses, and more particularly in the latter: but in order to enable the reader more fully to appreciate the nature of these changes, we will premise a brief sketch of the ancient constitution of the university, as also of some of the principal causes which would appear to have led to the introduction of the new statutes.

The university, in the form and constitution assigned to it or expressed in the ancient statutes¹, consisted of a chancellor,

¹ The earliest public and official recognition of the University of Cambridge as an organized body of masters and scholars, is to be found in the letters of Henry the Third, in the year 1231, to the sheriff of the county, to allow no person the privilege of clerks who was not under the tuition and discipline of a regent master, as well as others of the same date, in which he directs the mayor and bailiffs to choose two burgesses or liegemen (*homines legales*), who, with two regent masters (*taxors*), are authorized to tax the lodgings and hostells of scholars, *secundum consuetudinem universitatis*, or, according to the custom of a university: or otherwise translated, using the definite article, according to the custom of the university. If we adopt the first of these translations, we must suppose that the king refers to other universities, such as that of Paris, (whose customs were well known to him,) where the same practice prevailed (BULEUS. *Hist. Univ. Paris*, tom. iii. p. 195): but if we prefer the second, we must interpret the king's language as applying to a custom of the university already established, to which he merely gives the additional sanction of his authority. In the same year, we find also, in HARE'S *Collections*, a rescript of Pope Gregory the Ninth,

and of the two houses of regents¹ and non-regents². The chancellor was chosen biennially by the regents³, and might, upon extraordinary occasions, be continued in office for a third year⁴.

addressed to the prior of Barnwell and the chancellor of the university, respecting the custody of the three keys of the convent: an important document, as showing that the pope did not consider the chancellor of the university as a recently-appointed officer. There is every reason also to conclude from the language of other and similar documents from king Henry the Third, in the subsequent years of his reign, that the university was not a body of very recent establishment, but that it had already acquired an organized form and government, which required, in those times of lawless violence, the safeguard of royal, in addition to ecclesiastical, privileges, to protect its members from the townsmen and from others. I have elsewhere stated my reasons for thinking that the establishments of schools of grammar under the superintendence of the master of glomery and the jurisdiction of the Archdeacon of Ely, had preceded the introduction of the studies and scholars of the other faculties (Note, App. A, p. xxxv.): and there is every probability that the organization of a more enlarged scheme of study, upon the model of the University of Paris or of Orleans, had been due to the patronage of the Bishops of Ely, who continued to claim a right of confirming the election of the chancellor, and of visiting the university long after the grant of the first Royal Charter in 1255.

An addition made to the *History of the Abbey of Crowland* by Ingulphus, which is usually attributed to Petrus Blasensis, states that the Abbot Joffred, about the beginning of the twelfth century, sent monks, who had accom-

panied him from the University of Orleans, from Cottenham, where the abbey had possessions, to give *rhetorical* and *logical* lectures at Cambridge, in a very ancient barn, which is now called the school of Pythagoras: the course of studies which they are said to have pursued, and the books which they read, would more properly characterize the beginning of the fourteenth than of the twelfth century; but though we may feel compelled to refuse to this legend the authority of genuine history, yet there are many circumstances which connect the early annals of the University of Cambridge with that of Orleans. Bulaeus has collected together the principal authorities which bear upon this traditional origin of the university in the *Hist. Univ. Paris*, tom. ii. p. 28.

¹ The house of regents was composed of those masters or doctors who were actually regent, or engaged in teaching and reading lectures in the university, without any reference to their standing.

² The house of non-regents was composed of those doctors or masters who were *gremials* of the university, as members of convents, hostels, halls, or colleges, and resident in the university, but who had ceased to partake in the active and laborious duties of the regency.

³ *Stat. Ant.* 4. If twelve regents were present; if not, the non-regents were added to them, and the election was decided by the majority of the whole, if it included two *pileati*, or doctors: very curious provisions are added for conducting the scrutiny in both cases.

⁴ *Stat. Ant.* 12.

He summoned convocations or congregations of regents upon all occasions of the solemn resumption or reception of the regency¹, and likewise of both houses of regents and non-regents to consult concerning affairs affecting the common utility, public quiet, and general interests of the university². No graces, as the name in some degree implies, could be proposed or passed without his assent³. He presided in his own court, to hear and decide all causes in which a scholar was concerned, unless *facti atrocitas vel publicæ quietis perturbatio* required the assent or cognizance of the public magistrates or justices of the realm⁴. He was not allowed to be absent from the university for more than one month during the continuance of the readings of the masters⁵: and though a vicechancellor, or president, might be appointed by the regents from year to year, to relieve him from some portion of his duties, yet he was not allowed to intrust to him the cognizance of the causes of the regents or non-regents, *ex parte rea*, of those which related to the valuation and taxation of houses or hostels, or of those which involved as their punishment either expulsion from the university or imprisonment⁶. A later statute⁷, expressive of the jealous feeling with which the university began

¹ *Stat. Ant.* 11.

² The joint and separate assents of both the houses of regents and non-regents were required on all questions affecting the property, personal or real, rights, and privileges of the university (*Stat. Ant.* 2). In some cases, especially in those which referred to the dispensation of certain statutes, the unanimous assent, *omnium et singulorum regentium et non-regentium* was required.

³ Such propositions, previously sanctioned by the chancellor, became *gratiæ* when passed by the senate, as being concessions of his favour: they were then inscribed, *in procuratorum libris*, as statutes which were only revocable by a new *grace* of the chancellor similarly sanctioned.

In later times, it was usual to associate with the chancellor other persons, who formed what was called the

caput senatus, who acted as his counsel in advising the concession or rejection of graces, and who finally obtained an authority equally independent with his own. See Note 1, p. 21.

⁴ *Stat. Ant.* 9.

⁵ *Ibid.* 8.

⁶ *Ibid.* Fisher, bishop of Rochester, was, in 1505, appointed chancellor for life (*FULLER'S History of Cambridge*, p. 37): from that period nearly all the duties of the chancellor devolved upon the vicechancellor, who became an essential officer of the university: he continued to be elected exclusively by the regents until the promulgation of the Elizabethan statutes.

⁷ *Stat. Ant.* 13. The Bishop of Ely claimed and exercised the right of confirming the election of chancellor during the thirteenth and a great part of the fourteenth century. See App. A. p. xxxv.

to regard the claim of the Bishop of Ely to visitatorial power and confirmation, forbids the election of that bishop's official to the office of chancellor.

The powers of the chancellor, though confirmed and amplified by royal charters, were unquestionably ecclesiastical, both in their nature and origin: the court, over which he presided, was governed by the principles of the canon as well as of the civil law; and the power of excommunication and absolution, derived in the first instance from the Bishop of Ely, and subsequently from the pope, became the most prompt and formidable instrument for enforcing and extending his authority¹: the form, likewise, of conferring degrees, and the kneeling posture of the person admitted, are indicative both of the act and of the authority of an ecclesiastical superior².

But the whole system of public education, in the ages of which we have been speaking, was not only conducted by ecclesiastics, but almost exclusively confined to them³: and we consequently find that all schools of learning, and the teachers of them, were under the control of ecclesiastical authority. Thus, the master of glomery, who presided over the grammar-schools of Cambridge, was himself not only appointed by the Archdeacon

¹ This power of absolution, the counterpart of that of excommunication, notwithstanding the papistical character of its origin, is still exercised by the vicechancellor, whether he be a layman or ecclesiastic. On the last day of every term, after reading the 67th Psalm, the following absolution for every trivial fault of neglect, forfeiture, or transgression of the statutes, &c, is pronounced by the vicechancellor: "Auctoritate nobis commissa nos absolvimus vos ab omni levi negligentia, forisfactione seu transgressionem statutorum privilegiorum et consuetudinum et Deo et sacramentis ecclesiæ vos restituimus. In nomine Patris et Filii et Spiritus Sancti. Amen."

The evidence produced at the Processus Barnwellensis in 1434, which is

given in HARE's *Collections*, is decisive of the exercise of ecclesiastical authority by the chancellor, independently of any control by the Bishop of Ely, or any other authority, for more than sixty years before that period.

² The form of admission is the following: "Auctoritate mihi commissa admitto te ad ——— In nomine Patris, et Filii, et Spiritus Sancti."

³ In the University of Paris, members of the faculty of medicine were clerks, and *medici uxorati* were excluded from the exercise of the regency: it was not before the beginning of the fifteenth century that this statute was occasionally dispensed with, and a similar attempt made by the *Decretistæ* or on their behalf in 1589 was not equally successful.—BULEUS. *Hist. Univ. Paris.*, tom. v. p. 91, et tom. vi. p. 803.

of Ely, but subject to his ordinary and current jurisdiction¹; and, as might naturally be expected, the association of masters or teachers of arts and other faculties, which subsequently formed the university, were not only placed under the general superintendence of the bishop of the diocese as their ecclesiastical superior, but could not exercise their functions without his licence and authority. Such an association, as was usual in those times, formed by-laws amongst themselves, or adopted them from similar institutions, to regulate the terms of admission to their body²: but in no case could a licence to teach, or to perform any scholastic act, or series of acts, (such as admission *ad respondendum quæstioni*, or *ad incipiendum in artibus*,) be conferred by any other authority than that of the chancellor³, whether considered as the representative of the delegated powers of the pope or of the bishop of the diocese.

It is very necessary, in considering the distribution of authority in the ancient constitution of the university, to separate the powers of the chancellor from those of the regents or non-regents; for the authority of the chancellor had an origin independent of the regents⁴, and his previous concurrence was necessary to give

¹ Note, App. A. p. xxxii.

² These customs were very nearly the same in all universities, being such as originated in the University of Paris with respect to the faculty of arts, in the University of Bologna with respect to the faculty of civil law, and in those of Salerno and Montpellier with respect to the faculty of medicine. The extent of the power and jurisdiction of the chancellor, though his licence was in all cases necessary, was greatly modified by local circumstances. In the University of Paris there were two chancellors; the Archbishop of Paris, who was chancellor of the faculties of theology, canon law, and medicine, and the Chancellor of the Church of St. Geneviève, who was chancellor of the faculty of arts. The licence was given, in virtue of apostolical authority,

in the following form: "Ego N. auctoritate apostolicâ qua fungor in hac parte do tibi potestatem docendi, regendi, interpretandi, omnesque actus scholasticos exercendi *hic et ubique terrarum*." — BULÆUS. *Hist. Univ. Paris.*, tom. i. p. 278.

³ The chancellor was not authorized to confer a complete degree, but merely gave his licence or authority, by admission in the usual form, to perform some act, which constituted an essential link in the chain of exercises or ceremonies which were required for its completion, and which were conducted under the authority of the regents or of their executive officers, the proctors.

⁴ The power of confirming the election of chancellor, which the bishop of Ely formerly exercised, is an almost

validity to their acts: he constituted, in fact, a distinct estate in the academical commonwealth; and though he owed his appointment, in the first instance, to the regents, he was not necessarily a member of their body, and represented an authority and exercised powers which were derived from external sources.

The ancient statutes recognise the existence of two great divisions of the members of the second estate of our commonwealth, the *houses of regents and non-regents*, which have continued to prevail to the present time, though with great modifications of their relative powers. The examination of the enactments of these statutes, as well as the early practice of analogous institutions, would lead us to conclude, that in the earliest ages of the university, the regents alone, as forming the acting body of academical teachers and readers, were authorized to form rules for the regulation of the terms of admission to the regency, as well as for the general conduct of the system of education pursued, and for the election of the various officers who were necessary for the proper administration of their affairs¹. We consequently find, that if a regent ceased to read, he immediately became an alien to the governing body, and could only be permitted to

unequivocal indication that his authority was originally derived from him. The greatest part of the ancient statutes of the university were framed or modified subsequently to the concession of papal privileges, when the power of conferring degrees ceased to be dependent upon the bishop of the diocese, and when the ordinary functions of the chancellor ceased to be dependent upon his authority; a condition of things which would naturally lead to the diminution or rejection of his jurisdiction.

¹ The regents alone elected the chancellor and vice-chancellor, and continued to do so until the promulgation of the Elizabethan statutes, though the non-regents, under certain circumstances, were allowed to participate in the election of the former

(*Stat. Ant.* 4 and 16); the proctors, who were the proper executive officers of the regents, were elected in the same manner as the chancellor. The by-laws, which the regents were originally authorized to make, for the regulation of the terms of admission to their body, were the same, with very trifling differences determined by local circumstances, in nearly all the universities of Europe; as they conferred generally the rights of resuming and exercising the regency in other universities, and were all formed under the control and with the sanction of the same ecclesiastical authority, whether immediate or derived, it is hardly to be expected that we should find any considerable variation in the laws for conferring degrees or the privileges of teaching, either with respect to time or to form.

résume the functions and exercise the privileges of the regency, after a solemn act of resumption, according to prescribed forms¹, and under the joint sanction of the chancellor of the university and of the house of regents. The foundation, however, of colleges and halls towards the close of the thirteenth and the beginning of the fourteenth century², as well as the establishment of numerous monasteries within the limits of the university with a view to a participation of its franchises and advantages, increased very greatly the number of permanent residents in the university, who had either ceased to participate in the labours of the regency, or who were otherwise occupied with the discharge of the peculiar duties imposed upon them by the statutes of their own societies. The operation of these causes produced a body of non-regents, continually increasing in number and importance, who claimed and exercised a considerable influence in the conduct of those affairs of the university which were not immediately connected with the proper functions of the regency; and we consequently find, that at the period when our earliest existing statutes were framed, the non-regents were recognised as forming an integral body in the constitution of the university, as the *house of non-regents*, and which exercised a concurrent jurisdiction with the *house of regents* in all questions relating to the property, revenues, public rights, privileges, and common good of the university³. Under certain circumstances, also, they participated with the regents in the elections⁴; they were admitted likewise

¹ *Stat. Ant.* 11 and 144.

² Peter House was founded in 1257; Michael House in 1324; Clare Hall, 1326; King's Hall, 1337; Pembroke Hall, 1343; Corpus Christi College, 1344; Trinity Hall, 1347; Gonville Hall, 1348.

³ *Stat. Ant.* 2. The non-regents also appointed their own scrutators, who collected the votes at their congregations, and proclaimed the result.

⁴ The two bedels (*Stat. Ant.* 71,) were elected *consensu duarum partium totius universitatis regentium et non-regentium*, by which we should conclude

that they were elected by *grace*, requiring the concurrence of both the houses; the general phrase of the statutes to express this concurrence is *consensus majoris et sanioris partis regentium et majoris et sanioris partis non-regentium*. It is doubtful whether the phrase *cætus magistrorum regentium et non-regentium* (*Stat. Ant.* 21) meant the concurrent act of the separate houses, or the joint act of the two houses assembled in one, though the latter part of the statute in which it occurs would lead us to the latter conclusion. Certain statutes could not be dispensed

to the congregations of the regents, though not allowed to vote; and, in some cases, the two houses were formed into one assembly, who deliberated in common upon affairs which were of great public moment.

When graces were submitted by the chancellor to the approbation of the senate, the Proctors collected the votes and announced the decision in the house of regents, and the scrutators in that of the non-regents; and when the two houses acted as one body, their votes were collected by the proctors. It does not appear, from the earlier statutes, that the chancellor was controlled, in the sanction of graces, by any other authority; but, in later times, such graces, before they were proposed to the senate, were submitted to the discussion and approbation of a council, or *caput*, which was usually appointed at the beginning of each congregation¹. Under very peculiar circumstances, the chancellor

with, without the consent *omnium et singulorum regentium et non-regentium*, (*Stat. Ant.* 50,) though it is afterwards added that a grace for such a dispensation was not to be refused on account of one or even two (at the most) negative voices (*Ibid.* 163). It would thus appear (though the statutes referred to are of very different dates) that the two houses sometimes voted, both in elections and in graces, in separate houses or in one, and that, in some very peculiar cases relating to the repeal of statutes, the concurrence of every member, or of nearly every member of both houses was required.

¹ There is no point in the ancient constitution of the university more obscure and uncertain than the composition and powers of the *caput*: the senior doctor religious was always a member of it, until the dissolution of monasteries, when his place was supplied by the public orator, by a grace passed in 1547. (*Stat. Ant. in ordinem non redacta*, p. 129.) In the election of chancellor, the two proctors, with the senior doctor, who was a monk or friar, stood in scrutiny (*Stat. Ant.* 4); and by

a later statute (50) for extending the statutable period for the tenure of the office of chancellor, the vice-chancellor and senior non-regent stood in scrutiny with the parties above-named. It would appear likewise that graces might be stopped in the regent-house, though a majority of the regents were favourable to them (*Ibid.* 162); and by one of those acts of violent and irregular legislation, which were sometimes passed to meet a difficulty which was not capable of being overcome in a statutable manner, the non-regents might be called in to assist in passing a grace (though not more than thrice in a year) which properly belonged to the province of the regents, which, having been proposed at ten successive congregations, was rejected without a *causa rationalis*, even though a majority of regents were in its favour; a result which could hardly have taken place, unless a negative voice existed in the statutable scrutineers or elsewhere. By the statutes of Cardinal Pole, the *caput* appointed at the first congregation was continued throughout the year, and every member of it possessed a nega-

might be superseded in the exercise of his distinctive privilege, when he obstinately refused the sanction of his authority for

tive voice; but all these statutes were repealed in the first year of Elizabeth.

Amongst the objections to the Elizabethan statutes made by the proctors and regents, which Dr. Lamb has published (*Collection of Documents from the Library of C. C. College*, p. 366) it is stated that "the accustomed choice of the head was in the election of the bodie, every congregation, saving in two or three sett assemblies (*such as at the election of chancellor, proctors, &c.*) for that sum men peradventure of preposterous affection might staie such graces as the whole universitie knew worthy of preferment, and unless it were that Dr. Pearne, Baker, and Porie were sometimes denied by the bodie to be in the head, we know no great reason for innovation in so auncient a custome; whereas nowe the head is bothe certain for every congregation, and continuing the whole yeare, and most of the heade be masters of colledges; wherebie it falleth oute that nothings can pass all the whole yeare whereof they mislike, or any one of them." In the reply of the heads of houses to this complaint, it is said, "The nomination of the Heade to the Regentes and non-Regentes was wounte to be in the Vicechancellor or the proctors only, and in every congregation they made the Heade of such persons as yt pleased them, and as might best serve for their purpose and private commoditie." If we compare together the complaint and the answer, we may conclude, 1st, that the vicechancellor, when present, or the proctors in his absence, nominated the members of the caput, and that the regents and non-regents possessed and sometimes exercised the power of rejection, as in the case of unpopular persons like Dr. Pearne or Dr. Baker;

2ndly, that the members of the Caput were appointed for one congregation only; 3rdly, that every member of the Caput possessed a negative voice, and was able to stop any measure submitted to the senate; 4thly, that the proctors and regents did not complain of the concession of new or extraordinary powers to the Caput, but of the undue influence of the heads of houses in its first appointment, and of the continuance of its existence for an entire year. We are thus enabled to conclude that the Elizabethan statutes made no other essential change in the composition or powers of the Caput, inasmuch as any remarkable novelty in the constitution of so powerful a body could not have failed to have been made, in so minute and laboured a statement of grievances, the subject of especial remark and complaint.

The introduction of a *doctor religiosus* in the caput, in ancient times, was probably a concession made to the religious orders established in Cambridge, with a view to the protection of their privileges and immunities; and it is very probable that the different faculties, as well as the house of non-regents, had claimed and obtained a similar protection for their members against the great power and influence of the house of regents. Such a body was probably, in the first instance, considered as a council of the chancellor or vice-chancellor, to assist him, at every congregation, in the selection of those graces which he might think proper to pass or to reject; and it is possible that it had become customary to concede to every person so summoned a negative upon those propositions which might appear to be injurious to his faculty or his house. The changes introduced by the statutes of Cardinal Pole, and still

taking measures for the punishment of those who had injured or insulted a regent or a community; for, in such a case, as appears by a very remarkable statute¹, the proctors were empowered, by

more by those of Elizabeth, by making the existence of the authority of this body permanent (during an entire academical year), and by the mode of its appointment, placed the whole legislative powers of the university under the control of the heads of houses.

¹ *Stat. Ant. 57. De potestate procuratorum in defectu cancellarii.* This statute, which is confessedly inconsistent with the fundamental laws and constitution of the university, forms part of the following grace or decree, one of the most ancient of any recorded statute or efficient act of the university, and which was passed in 1275: it is given in HARE'S *Collections*. "Convenientibus omnibus magistris regentibus et non-regentibus necnon *baccalaureis* universitatis prædictæ magistro Johanne Hooke tum cancellario præsentem et auctoritatem præstantem pro bono pacis et tranquillitate universitatis unanimi consensu est statutum quod liceat rectoribus suspendere tum transgressores statuti ad eorum officium spectantis quod est tale. Tempora et modus legendi et disputandi et exequias celebrandi et incipiendi et feriarum observantiæ ad ipsos pertineant. In transgressores circa prædicta ad eorum officia spectantia et in bedellos si mandatis eorum non paruerint, coertione concessâ eisdem animadversione gravissimâ per cancellarium et magistros, si opus fuerit, nihilominus irrogandâ. Si autem præsentem cancellario in villâ et ipsis rectoribus præsentibus vel altero eorum, a quoquam injuria vel contumelia publice vel privatim irrogata fuerit, alicui regenti vel communitati: si cancellarius requisitus correctionem adhibere dissimulaverit neglexerit vel minus juste, distulerit procuratores vel alter eorum qui præ-

sens fuerit, irrequisito cancellario, convocent universitatem regentium quæ ex tunc in illa causa cognoscat et sententiet. Si vero in absentia cancellarii præsentibus rectoribus vel altero eorum aliquod tale delictum commissum fuerit, rectores nullam coercionem faciant: sed si vicecancellarius ab eis requisitus correctionem adhibere dissimulaverit vel negaverit vel minus justè distulerit rectores vel alter eorum tunc convocet sicut prius: omnibus consuetudinibus immo potius *corruptelis præteritis* huic statuto contrariis hinc et in perpetuum minime valituris. Datum in ecclesia Beatæ Mariæ die Sanctæ Witburgæ. A.D., 1275. tempore dicti cancellarii.

A grace once passed in a peculiar form (as not to be repealed *nisi ex consensu omnium et singulorum magistrorum regentium et non-regentium*) and recorded in the proctor's books as a statute of the university, could only be repealed by the *unanimous* consent of the chancellor, and regents and non-regents; and we consequently find that this very extraordinary statute, being unrepealed, continued to be the law of the university, and was incorporated with the other statutes, (*Stat. Ant. 54, 57,*) when they were subsequently arranged and systematized, with very trifling and unimportant changes: it probably originated in some violent quarrel between some former chancellor and the regents, in consequence of his having neglected or refused to punish a flagrant insult offered to some member or members of their body.

From the preamble of this statute, it would appear that the *bachelors* participated in the public proceedings of the whole university in St. Mary's Church: there is no other statute, or

their sole authority, to call a congregation of regents only, or of both regents and non-regents, notwithstanding any customs, or rather *corruptions, of ancient date*, which might be contrary to so violent and unusual a mode of proceeding. Another statute, framed with a view to the protection of the chancellor's authority, enabled him, with the advice and concurrence of the doctors, (*pileatorum*) to degrade a proctor from his office who refused to submit a grace (*petere gratiam*) to the regents and to make the requisite scrutiny, after being thrice solemnly charged to proceed¹.

The two proctors, called also *rectors*², after the chancellor or vice-chancellor, were the most important administrative officers in the university. They were chosen annually on the 10th of October, by the regents, the master of glomery and two junior regents standing in scrutiny and collecting the votes³; they regulated absolutely the times and modes of reading, disputations, and inceptions in the public schools, and the public ceremonies of the university⁴; they superintended the markets, with a view to the supply of wine, bread, and other necessaries for the scholars, and to the suppression of monopolies and forestallings and those other frauds, in the daily transactions of buyers and sellers, which furnished to our ancestors the occasions of such frequent and extraordinary legislation; they managed the pecuniary affairs and finances of the university⁵; they possessed the

public document, which would authorize us in concluding that their concurrence was necessary to any legislative act of the university. It will be observed, likewise, that the chancellor was present, and a concurrent party to this act, though it tended so seriously to limit and lower his authority.

¹ This statute (*Stat. Ant.* 27) was passed at the close of the fifteenth century; it is the first in which the *pileati* or doctors appear as the official advisers of the chancellor. Doctors and heads of houses were required to assist the chancellor or vice-chancellor in visiting hostels (*Stat. Ant.* 19) or in correcting and punishing offences; but it does not appear that the heads of houses pos-

essed any distinctive authority in the university before the statutes of Edward VI.

² *Stat. Ant.* 4. Note 1, p. 23.

³ *Stat. Ant.* 53. *Cantab. Hist. Cantabr. Academiae*, l. xi. p. 124. The non-regents, under certain circumstances, participated in their election. The 10th of October was the day of the general resumption of lectures, and of the re-commencement of the academical year in this and all other universities.

⁴ *Stat. Ant.* 54.

⁵ These accounts are now transferred to the vice-chancellor, under the construction of the Elizabethan statutes, cap. 39. The proctors were authorized in those days of poverty, to take

power of suspending a gremial from his vote, and a non-gremial from his degrees, for disobeying their regulations or resisting their lawful authority¹; they collected the votes and announced the decisions of the house of regents, whose peculiar officers they were; they examined the questionists by themselves or by their deputies²; they superintended or controlled all public disputations and exercises, either by themselves or by their officers the bedels; they administered the oaths of admission to all degrees, and they alone were competent to confer the important privileges of the regency³.

The other officers of the university were the bedels, scrutators, and taxors. The bedels were originally two in number⁴, who were elected by grace by the concurrent authority of the regents and non-regents in their respective houses⁵. The first was called the bedel of theology and canon law, and the other of arts, from their attending the schools of those faculties. They were required to be in almost perpetual attendance upon the chancellor, proctors, and at the disputations in the public schools⁶.

The two scrutators were elected by the non-regents at each congregation, to collect the votes and announce the decisions of their house, in the same manner as was done by the two proctors in the house of regents⁷.

The two taxors were regents appointed by the house of regents⁸, who were empowered, in conjunction with two burgesses (liegemen), to tax or fix the rent of the hostels and houses occupied by students, in conformity with the letters patent of

pledges for the payment of fees, which were usually jewels or manuscripts; these books or manuscripts were valued by the university *stationarii*, who were not unfrequently bribed to cheat the university by putting a price upon them which could not be realized, in case the pledges were not redeemed. By a late statute (182) no manuscript written, or book *printed*, on *paper* and not on vellum, was allowed to be received in pledge.

¹ *Stat. Ant.* 64. Note 1, App. A. p. xvii.

² *Stat. Ant.* 140, 141.

³ See the oath of admission to the regency. Note 1, App. A. p. xxviii.

⁴ See Note 1, App. A, p. xii.

⁵ *Stat. Ant.* 71.

⁶ The various and laborious duties of the bedels will be best understood from the details given in Appendix A. and B.

⁷ *Stat. Ant.* 80.

⁸ *Stat. Ant.* 65; their ancient oath of office was "Jurabitur quod rationabilem et congruam domorum quibus clericis inhabitare contigerit facietis quam in publicam scripturam redigetis." (*Stat. Acad.* p. 535.)

Henry III.¹ They also assisted the proctors in making the assize of bread and beer, and in other affairs relating to the regulation of the markets².

The slight sketch which we have given in the preceding pages, of the ancient constitution of the university, and of the powers and duties of its principal officers, has been deduced from an examination of a body of statutes, which are not arranged in the order of time, and whose dates are in some cases uncertain to the extent of nearly a century³. It is not surprising therefore

¹ In the fifteenth year of his reign, (1231.)

² *Stat. Ant.* 66. The appointment of taxors was suspended and their duties thrown on the proctors in the year 1540, in consequence of the miserable poverty of the university at that period; they were restored, upon its somewhat amended fortunes, in 1546. *Stat. Acad.* p. 118 and 128.

³ These statutes have been printed from the oldest existing ancient proctors' books, which were themselves copied from more ancient books of a similar kind, which have totally disappeared. They are arranged generally, though not very strictly, in the order of subjects, and not in the order of time: and it is obvious from the form in which they appear, that they had been reduced into some uniform system, embodying the substance of the graces of the senate, such canons of the church as formed part of the common-law of universities, and such papal rescripts and royal letters or charters, as affected the constitution and ordinary administration of the university. We possess no means of assigning the precise periods at which these reductions and re-arrangements of the statutes took place, but it is most probable that a new arrangement was made, whenever it was found necessary to re-write the proctors' books, and that they assumed the form in which we now possess them about the beginning of the sixteenth century. The latest grace to which a

date is attached, which is included amongst the collection of ancient statutes *reduced to order*, is 1506, (*Stat. Ant.* 78,) and the earliest is 1359, (*Ibid.* 163.) There are about thirty statutes or graces, or royal orders, (out of one hundred and eighty-seven,) which are dated at intermediate years.

We have quoted (Note, p. 23) the words of a grace passed in 1276, which was subsequently incorporated into those ancient statutes, which are numbered 54 and 57 in our printed copy, affording a curious proof of the modifications of form which the statutes from time to time experienced.

In the year 1303, the same contests arose in this university, which had so violently agitated that of Paris in the preceding century, in consequence of the Dominican and Franciscan friars pleading the privileges and exemptions of their orders in derogation of the privileges of the university. The chancellor, Stephen de Haslingfield, proceeded to excommunicate several of the rebellious friars, and expelled their two leaders, Nicholas de Dale and Adam de Haddon, from the university; the friars, as usual, appealed to the pope, and the consequence was, that a composition was made at Bordeaux, in which the rights of the different parties were respectively settled, but manifestly to the advantage of the former. In this composition the substance of the 1st, 167th, and 168th statutes are quoted, as at that period

that they should present enactments which are sometimes contradictory to each other, when we are thus deprived of the means of distinguishing the law repealed, from that by which it was replaced. In the midst, however, of the confusion and obscurity which necessarily arises from this cause, we experience no difficulty in recognising the permanent and more striking features of the constitution of the university, and the principles of its administration; and though the great increase of the number of colleges, the changes of the government, and the reformation of religion, necessarily produced great changes in the condition, character, and views, of the great body of the students, and in the relation of the teachers to those who were taught, yet we can discover no attempt to disturb the distribution of the powers exercised by the chancellor and the houses of regents and non-regents, or even to change materially the customary methods of teaching, or the forms and periods of graduation.

An examination of the statutes of the different colleges which were founded at different periods of our academical history, would enable us, if carefully made, to elicit many facts relating to the general condition and habits of our academical population in those days. There is one conclusion of a very general kind which we are thus enabled to deduce, and which is not without an important practical bearing upon the views which may be

forming part of the statutes of the university. The two last statutes, as they now appear, embody the modifications which the terms of this composition prescribed; but the history of this transaction enables us to conclude, not only that the statutes of the university in the thirteenth century were, in many cases, the same in substance with those which we now possess, but that they were subject to revisions from time to time, when the modifications which they had received, whether from the acts of the university or from external authority, were incorporated with the ancient law.

The *Processus Barnwellensis* in 1434, which more especially respects the ex-

ercise of ecclesiastical authority and jurisdiction (independently of the bishop of Ely) by the chancellor, more particularly in excommunications, suspensions from degrees, probates of wills, letters of administration, &c., recites several statutes, which chiefly relate to the privileges above-mentioned, (such as the 37th, 41st, 43rd, 44th, 49th and 172nd,) as ancient statutes of the university, though it does not assign their dates. It is indeed most probable that there are few of the ancient statutes, as we now possess them, with which no dates are given, which are not revised, and in many cases modified copies of others of greater antiquity.

entertained of the reform of the statutes of many of our colleges. Out of our seventeen existing colleges, six were founded between the years 1257 and 1351¹, and seven others between the years 1441 and 1519². The statutes of the earlier colleges were generally of a liberal and comprehensive character, imposing no restrictions on the admission of scholars or fellows, either with respect to particular counties, or with respect to the northern and southern divisions of the kingdom. But in the long interval of nearly a century, which elapsed between the first and second series of our collegiate establishments, the contests between the northern and southern students had begun to rage with extreme violence, requiring frequently the interference of the civil power, and sometimes even ending in bloodshed³. The animosities which were thus generated extended to the members of colleges, in which a majority of one party would generally attempt to exclude the other from all participation in its benefits. Nor were these evils restricted to the natives of the two great divisions of the kingdom. The natives of a particular county, district, or diocese, whenever they were sufficiently numerous in a college to effect their object, were accustomed to elect exclusively their

¹ St. Peter's 1257, Clare Hall 1326, Caius 1343, Trinity Hall 1350, and Corpus Christi 1351.

² King's 1441, Queen's 1446, Catherine Hall 1475, Jesus' 1496, Christ's 1505, and St. John's 1511.

³ Frequent reference is made to these contests in the old statutes and elsewhere, which so seriously disturbed the peace and tranquillity of the university. By an ancient statute (44), it appears that they elected captains, and gave their leaders the names of the principal officers of the university, and summoned their partisans by horns, trumpets and ringing of bells; these assemblies took place most frequently at the general processions and public solemnities of the university, and more particularly in school street, on the occasion of the ceremonies of Ash Wednesday.

In another statute (172), (*Ne concursus nationum fiat in festis infra scriptis*) such assemblies are forbidden under pain of excommunication on the great feasts of St. Hugo, St. Edward, St. Cuthbert, and St. William of York (the two first being more particularly the patron saints of the southern, and the other two of the northern, students,) but every student was strictly ordered to celebrate those festivals in the church of his own parish. In the university of Oxford these contests assumed a still more formidable character, and it was with a view to appease the jealousies which thence arose, that one of the proctors was always chosen from natives of the southern and the other from those of the northern division of the kingdom.

local associates and connexions, and thus by converting colleges into clans, to pervert the intentions of their founders. For in those days of ignorance and violence, an expression of public opinion was rarely heard, and still more rarely attended to; and few occasions were afforded either for the formation or exercise of those high principles of conduct which distinguish an age in which the refinements of civilization and knowledge have been combined with the highest sanctions of religion. It was with a view to meet these evils, and to secure the more equitable distribution of the benefits of the new collegiate foundations to students from all parts of the kingdom, that a statute was almost universally introduced to prevent the election of more than two fellows from the same county, and in some cases also to secure the election from the *Cistrentani* and *Transtrentani* alternately¹; and so strong was the feeling of the necessity of this regulation, (which should be considered more properly in the light of a university than a college statute,) that it was added, upon the petition of the fellows to the statutes of Peter House and Clare Hall, as furnishing the most effectual safeguard against the undue influence of local attachments, or of personal and family partialities².

¹ As the scholars of King's College were chosen from Eton, no such regulation was necessary in its statutes, but they more than once refer to the disputes of the *australes* and the *boreales*, and they most earnestly enjoin the scholars not to participate in them. The double restriction was introduced into the statutes of Jesus and St. Peter's College, but has since been removed.

² The new statute was enacted in St. Peter's College towards the close of the fifteenth century, in the mastership of Thomas Warkworth, with the unanimous consent of the fellows, and with the approbation of the bishop of Ely, *pro inordinatâ patriæ affectione removenda*, directing that the fellows should be chosen in equal numbers from two specified divisions of the kingdom: in

1515, the additional restriction was introduced, directing that there should not be, at any one time, more than two fellows chosen from the same county. The *rubric* of the statute of Queen's College, which introduces this restriction, is *De vitandâ partialitate in electionibus sociorum*.

There are in fact very few cases in which we can discover the express personal wish of the founder in the imposition of these restrictions. It must be considered, to a great degree, in the light of a university statute, framed to meet a difficulty which was consequent upon the particular condition of those times, and which might be repealed in most cases (since they are now not only unnecessary, but singularly injurious to those colleges which are subject to their operation) without derogating, in

The first considerable change which the system of instruction in the university underwent, was consequent upon the great multiplication of books which the invention of printing introduced. Before this important epoch in the history of the progress of knowledge, the great majority of students had no other means of becoming acquainted with the subjects of their study, but by hearing the manuscripts read, (with or without the glosses or comments which generally accompanied them,) in the public schools, a duty which furnished a daily and principal employment to the bachelors of arts and regent masters of the university. The method of reading was usually sufficiently slow and deliberate to enable the students to copy the actual words or, at all events, the import of what was read¹, which formed the only manuscripts to which they commonly

any degree, from the respect and obedience which is always due to the distinct and indisputable expression of the personal will of the founder.

¹ This method of teaching, sometimes called *Nominatio ad pennam*, was in some respect contrary to the ancient customs of universities. In the year 1355, the four nations of the faculty of arts of Paris, framed a statute against this practice, which was prefaced in the following manner.

“ Statutum Facultatis super destructione modi legendi ad pennam et modo legendi honesto et antiquo.

“ In Dei nomine, Amen. Tentatis duobis modis legendi libros Artium liberalium, primis quidem Philosophiæ magistris in cathedra raptim proferentibus verba sua, ut ea mens auditoris valeret capere, manus vero non sufficeret exarare. Posterioribus autem tractim nominantibus, donec auditores cum penna possint scribere coram eis. Diligenti examine his invicem collatis, prior modus melior reperitur, propter quod communis animi concepcio nos admonet ut ipsum in nostris lectionibus imitemur. Nos igitur omnes et singuli Magistri Facultatis Artium tam Regentes quam non

“ Regentes ad hoc specialiter convocati per venerabilem virum M. Albertum de Bohemia tunc Rectorem Universitatis apud S. Julianum pauperem statim in hunc modum, quod omnes Lectores tam Magistri quam Scholares ejusdem Facultates quandocunque et ubilibet eos aliquem librum legere contigerit ordinariè vel cursoriè in eadem Facultate vel disputare Quæstionem circa ipsum, seu aliquid aliud per modum expositionis, priorem modum legendi observent secundum vires suas, sic scilicet proferendo, ac si nullus scriberet coram eis. Secundum quem modum fiunt sermones in Universitate et recommendationes: et quem Lectores in cæteris Facultatibus insequuntur. Transgressores autem istius Statuti, si Lectores fuerint Magistri seu Scholares, ex tunc pro tunc privamus a lectura, honoribus, officiis, et cæteris adminiculis nostræ Facultatis usque ad unum annum. Quod si quis recidivet, pro primo Recidivo pœnam duplicamus; pro secundo quadruplicamus: et sic ultra. Auditores vero hujusce nostri statuti executioni obviantes clamore, sibilo, strepitu, jactu lapidum per se aut per suos famulos, vel complices,

had access; for complete manuscripts of the classical or other authors were articles much too costly for a poor student to purchase, and libraries were in general very scantily stored, and only accessible under restrictions and conditions, which confined them almost exclusively to the regents only. Towards the close of the fifteenth and the beginning of the sixteenth century, printed books had become so greatly multiplied, and their prices so much reduced, as to be placed within the reach of ordinary students, and the practice of reading authors *cursorie*¹ became less and less necessary; and we consequently find that long before the middle of the latter century it had almost entirely disappeared. The revolution which was thus effected in the mode of conducting academical instruction, does not appear, however, to have led to any immediate alteration in the statutes of the university, though it contributed not a little to render some of their provisions antiquated, and little adapted to the times; but we find that the increased study of the originals of the classical authors, which had hitherto been generally known in the form of translations only, adapted to the barbarous Latinity of the middle ages, whilst it

“seu quovis alio modo, privamus et
“resecamus a nostro consortio usque
“ad unum annum: et pro quolibet
“Recidivo pœnam augemus ad duplum
“et quadruplum sicut ante.

“Incipientes vero et Determinantes
“jurent observare Statutum,
“alias non admittantur ad gradum
“Baccalarii vel Magistri. Per hoc
“autem statutum non intendimus excludere
“Nominationem ad pennam
“alicujus Determinationis notabilis
“Tractatus vel Expositionis quam in
“vico straminis scribunt quandoque
“Juvenes in diebus Festivis, dum tamen
“non fiat hora sermonis universitatis
“nec aliquis hujusmodi nominationem
“audeat facere extra scholas
“dictæ Facultatis, alioquin eandem
“pœnam incurrat ad quam adstrinximus
“auditores. Nec per hoc volumus
“derogare antiquis Statutis super modo

“legendi confectis, sed maneant in sua
“firmitate. In cujus rei testimonium
“præsenti Statuto sigillum Rectoris
“unâ cum sigillis quatuor Nationum
“videlicet Gallicanæ, Picardiæ, Normanicæ
“et Angliæ ex earum consensu
“unaque cum signo et subscriptione
“subscripti Notarii duximus apponenda.”

We have given this statute at full length, as presenting a very singular specimen and picture both of ancient academical legislation, and of the habits of readers and students. It appears, however, that this statute, though never formally repealed, was not observed, and that the practice of reading *ad pennam* was generally followed in the succeeding century. See BULÆUS, *Hist. Univ. Paris.*, tom. iv. p. 332.

¹ See Note 1, App. A., p. xlv.

rapidly improved the taste, and extended the sphere of speculation, both of readers and authors, in no respect tended to diminish the profound reverence for the logical and other works of Aristotle, and for the scholastic philosophy founded upon them, which had characterized [the three preceding centuries; and the further progress of academical legislation will show, that disputations in the public schools of all faculties conducted *scholastico more* were more frequently held, and more strictly enjoined, than they had been during the prevalence of the system of *cursorian* and other readings, properly so called, in the more barbarous ages which preceded the discovery of printing.

The knowledge of Greek was first introduced into this university about the year 1516 by Richard Croke¹, a fellow of King's College, and the first public orator of the university; and the study of this noble language was afterwards very successfully and extensively cultivated by Sir Thomas Smith, Sir John Cheke, Roger Ascham, Ridley, Cranmer, and several other fathers of the Reformation. This change, though it did not affect the form of our academical statutes, greatly modified both the form and character of our academical studies, by replacing the translations of the dialectical and other works of Aristotle by the originals, and by rapidly diffusing, as it appears to have done, a knowledge of the best writings of the classical age of Greece.

In the year 1536, the study of the canon law², and of the master of the sentences³, was prohibited, inasmuch as they both involved

¹ Mr. Hallam, in his *Introduction to the Literature of Europe*, has given the best account, which I can refer to, of the introduction of the study of Greek into this country, and particularly at Cambridge, where it was greatly patronized by Bishop Fisher, the chancellor of the university, and especially in St. John's College, over whose foundation he had presided, both as the confessor and executor of Margaret Countess of Richmond. The office of public orator was created in 1522, with extraordinary immunities and privileges, chiefly with a view to its being

given to Richard Croke for life, as a testimony of respect to him, *quia primus invenil literas ad nos Græcas and quia regi charus est* (*Stat. Acad.* p. 112). Caius (*Hist. Acad. Cant.* lib. iii., p. 129) speaks of him in less respectful terms as *homo certè doctus, sed in gloriam suam officiosissimus*.

² See Note, App. A., p. xlix, for an account of the relation which the number of students of the canon law bore to those in other professions.

³ Peter Lombard, Note 1, App. A., p. xli. Bachelors of divinity were admitted *ad legendum quatuor libros sen-*

the acknowledgment of the pope's supremacy. The suppression of the monasteries, which speedily followed, and the consequent expulsion of the monks and friars, greatly contributed to thin the population of the university¹; and the general feeling of the insecurity of ecclesiastical property, as well as the rapid fluctuations in the condition and principles of the church, which these and other violent proceedings of King Henry VIII. occasioned, were adverse to the resort of students to the university, who were thus deprived of those prospects of a secure and ample maintenance, which the vast preferments of the church had formerly offered to them. We consequently find that the number of resident members of the university rapidly declined²; and upon the accession of Edward VI., it was difficult to find a sufficient number of regents³ to preside in the schools at the ordinary exercises, and to carry on the necessary business of the university.

The establishment of the five royal professorships of theology, civil law, medicine, Hebrew and Greek, which was nearly contemporaneous with the destruction of the monasteries⁴, made a

tentiarum. This book of sentences, or *summa theologiæ*, combined the opinions of the fathers, the decrees of the councils, and the decretals of the pope into one body of theology, and expressed the authoritative and indisputable opinions of the church; it was therefore one of the most obnoxious bulwarks of the authority of the popes, the study of which was inconsistent with the admission and maintenance of the king's supremacy.

¹ See Note 1, App. A., p. 1. The university was crowded with the mendicant orders, who possessed many privileges and immunities granted to them, in this and all other universities, by the favour and patronage of the popes, and confirmed by express compositions made in 1306 between them and the university; their studies were, in a great measure, conducted in their own convents, and they proceeded, like the modern ten year men,

to degrees in divinity, without passing through arts; their suppression made many of the ancient statutes superfluous, but required very few new enactments. *Stat. Ant.* 111, 128, 148, 163, 164. *Stat. Acad. in ordinem non redacta*, p. 121, and 129; and also HARE's *Collections*, 34th of Edward I., and 40th of Edward III.

² STRYPE's *Life of Archbishop Parker*, vol. i. chap. iv. p. 33.

³ The number of regents in one year rarely exceeded twenty; before the suppression of the monasteries they were generally double that number, besides from ten to eighteen bachelors in canon law annually.

⁴ These professorships were founded by Henry VIII., with salaries of 40*l.* per annum each, which, in those days, was a very adequate provision. The foundation of Trinity College, upon which the professorships of Theology, Hebrew, and Greek, were subsequently

much more regular provision, than had hitherto existed, for systematic instruction in the authorized faculties, as well as in those learned languages, the knowledge of which was of such very recent introduction. According to the ancient constitution and practice of the university, professional¹ instruction in the several faculties was the proper province and constant employment of the regents of those faculties, whether doctors or bachelors, and only ceased to be given when they ceased to claim the privileges or to exercise the functions of the regency. But the recent decline in the numbers of the university, which was consequent upon the changes in religion and in the constitution of the church, as well as the great advances in all branches of science and learning, which the ready access to books had produced, left few resident teachers who were competent to keep pace with the progress of knowledge, and still fewer who were both competent and willing to continue, for any great length of time, the laborious duties of the regency, in consideration of the small and inadequate fees which the reduced numbers of the students could furnish. It was for this reason that the establishment of these professorships was preparatory to a most important change in the system of academical education, by tending to supersede the ordinary lectures and statutable duties of the regents, and by transferring the superior instruction of the students to the lectures of the regius professors of the different faculties and arts, and by throwing upon the colleges the duty of providing for such elementary instruction as had formerly been furnished by the regents in the public schools, as part of their daily and necessary employment.

The statutes of Trinity College, which were first framed in the reign of Edward VI., and which were slightly modified on the

ingrafted, took place on the 19th of December, 1546, little more than a month before his death. It is proper to remark, that the salaries of these professorships, with the exception of that of theology, and a bequest, of no very great amount, to that of medicine, have remained the same to the present day.

¹ All doctors, in whatever faculty,

were called likewise *professores*, and possessed an equal capacity to claim and occupy the *chair* (cathedra) on solemn inceptions and other occasions; this privilege was first restricted, by the Elizabethan statutes, to the three regii professores. Masters of arts were also called *professores artium*, in the old registers of the university. See Note

successive accessions of Mary and Elizabeth, chiefly with a view to adapt them more entirely to the corresponding changes in religion and the state, gave the first complete example of this separation of domestic and collegiate, from academical, public, and professional instruction¹. The view which we have given in the early part of this chapter of the system of instruction which these statutes enjoin, will be sufficient to show that it was not merely co-extensive with that which had been provided by the statutes of the university, being in every instance designed to prepare students for the lectures of the public and recently-appointed professors, but likewise that it left no deficiency to be supplied even by the lectures of the ordinary readers², much less by the less systematic readings and instructions of the ordinary regents. We consequently find, that for some time before this period, the special duties of the regency had been gradually changing from teaching and reading in the schools, to presiding over or taking part in, the public disputations; and the new

¹ The same tendency had been shown in the original statutes of St. John's College, which Bishop Fisher had framed, and was a more or less necessary consequence of the full development of the collegiate system. But as long as the colleges, which provided a distinct residence, and in some respects likewise a complete maintenance, for their members, were not sufficient for the accommodation and reception of all the students who came to the university; and as long as a great portion of their number continued to be received in hostels or houses hired for that purpose, the instruction of the students was more or less entirely dependent upon the readings of the ordinary (Barnaby) lecturers and other regents. In the latter part of the reign of Henry VIII., a great majority of the students were accommodated within the walls of the colleges already founded, and the establishment of Trinity College, in addition to that of St. John's, which made ample provi-

sion for the reception of pensioners as well as scholars, rendered the longer existence of hostels unnecessary, which, in a short time, altogether disappeared.

The view which we have given in the text of the gradual extinction of the teaching of the regents in the schools, and of its supersession by the collegiate system, does not greatly differ from that which is given in a very able article in the 106th number of the *Edinburgh Review*. But though the present practical administration of the university is altogether unstatutable, it is not so in consequence of the absorption of the statutable system of instruction of the university in the recent and extended system of the colleges, but had been fully prepared, and nearly effected, before the promulgation of the Elizabethan statutes. See likewise the excellent remarks on this subject which are made by Mr. Malden, in his very elegant dissertation on the *Origin of Universities*, p. 120.

² Note 1, App. A., p. v.

statutes, both of the university and of the colleges, which were given or revised about this period, are universally framed with reference to this change in the academical system, and they enjoin the performances of such exercises, not only as the most important and essential qualifications for degrees, but as part of the constantly recurring duty and employment of all the members of the university, until they had attained to the immunities of the doctorate.

Between the death of King Henry VIII., in 1547, and the twelfth year of Elizabeth, a period of twenty-three years, the university was destined to undergo a rapid succession of important and fundamental changes in its statutable constitution and practical government. In the year 1549, a royal commission, composed of Thomas Gooderick, bishop of Ely, Nicholas Ridley, bishop of Rochester and master of Pembroke College, Sir William Paget, K.G., comptroller of the household, Sir Thomas Smith, secretary, Sir John Cheke, tutor, and Dr. Thomas Wendie, physician to the king, together with Dr. William Meye, master of the Requests, was appointed to visit the university, to accommodate its statutes and those of the different colleges, to the reformed religion, which was now fully established by law, and to repeal such ancient statutes and usages as the progress of time and the change of habits had rendered obsolete or mischievous¹. The new code² which they framed was brief, distinct, and reasonable, embodying the principal enactments with respect to the time and form of taking degrees, which were contained in the ancient statutes. They regulated also the courses of the lectures to be given by the royal professors and the ordinary

¹ The details of the proceedings of King Edward's visitors in 1549, and of Queen Mary's in 1556 and 1557, have been published by the dean of Bristol, from the manuscripts which were left by Archbishop Parker to Corpus Christi College. There are few records of the proceedings of those times which are more curious and interesting than those of the latter visitation.

² In the preface to the new statutes,

the visitors speak of the old statutes as *antiquata, semibarbara, obscura, et propter vetustatem non intellecta*, a character which they unquestionably deserve, and which might be expected to apply to a body of laws, composed at such very different times, derived from such very various sources, and written in the barbarous Latinity which characterized nearly all the documents of the middle ages.

readers¹, as well as the order and succession of the public disputations; they directed the chancellor, the three bedels, and the *custodes cistarum* to be chosen in open scrutiny by the whole body of the university (both regents and non-regents)², reserving to the regents alone the election of the vicechancellor, proctors, and taxors³; they extended the period of necessary regency of masters of arts to three years⁴; they authorized persons of the age of twenty-four years, after seven years' study in the university, the three first in arts, and the four last in theology, to be admitted to the degree of bachelor of divinity, without the intervention of a degree in arts⁵; they re-enacted all the ancient forms of admission to degrees; they suppressed all public processions at exequiæ and on other occasions, and abolished or forbad the continuance of those popish ceremonies and observances in the college chapels and elsewhere, which the framers of our liturgy and articles had not

¹ See Note 1, App. A., p. v. The new statutes directed the Terence lecture to be replaced by one of rhetoric. The Terence lecture had been given in the early part of the last reign, for many years, by Caius Auberinus, a foreigner, who seems to have been specially invited to the university to take this office. He was also employed, generally with the vicar of Trumpington, in those days, to write the Latin letters of the university, which were addressed to royal and illustrious personages; and in the accounts of the proctors, between the years 1505 and 1520, there are small payments frequently mentioned as made to them for such services. The necessity of seeking for foreign or extraneous aid for discharging such simple duties, is not calculated to convey very exalted notions of the classical attainments of the great body of the regents of the university.

² This was a considerable innovation on the ancient mode of electing the chancellor (*Stat. Ant.* 4). See above, p. 15, note 3.

³ This was according to the ancient practice of the university.

⁴ See Note, App. A. p. xxviii. See *infra*, p. 51, Note 1.

⁵ See Note, App. A. p. xlvii. This was the ancient statute (*Stat. Ant.* 107) designed for the benefit of the monks and friars, though not distinctly confined to them: it merely added the condition that those persons who hereafter adopted this mode of proceeding, (that is, of taking degrees in divinity without passing through arts,) should be twenty-four years of age, before they commenced their course of study. A similar restriction, though at an earlier age, was imposed upon monks and friars, by the necessity of being members of their order. An ancient statute of the university prevented the mendicant orders established in the university from admitting into their body any *scholar* of the university below the age of eighteen years: this statute was repealed by an act of parliament, passed in the year 1366, in the fortieth year of the reign of Edward III. See HARE'S *Collection*, 40, Ed. III.

thought proper to retain. They made no provisions affecting the mode of election or the constitution of the *caput senatus*, and in one or two instances only do they appear to recognise the heads of houses and hostels as forming a distinct body in the academical commonwealth¹.

The death of the young king, and the accession of Queen Mary in 1553, closed prematurely the hopes of improved organization and increased tranquillity in the university, which the new statutes seemed so fairly to promise. Within six weeks after the commencement of her reign, she sent a letter to Gardiner, who had resumed his functions as chancellor of the university², commanding the instant restoration of the authority of the ancient statutes. The prompt measures which she took to punish the principal authors of the reformation in religion, struck terror into those members of the university who had promoted the new order of things, and who consequently were obliged, if they escaped imprisonment, to remain in concealment, or to fly beyond

¹ The chancellor, heads of houses, and proctors, were empowered to eject a *bedel* from his office, who had been three times admonished for neglect of duty, or who had been guilty of any *detestabile flagitium*, (*Stat. Acad.* 157.) The assent of the heads of houses was likewise necessary, to enable the chancellor to punish *ignavos grassatores rei suæ dissipatores contumaces nec obedientes suspensione graduum carcere exilio aut alio leviori supplicio*, (*Stat. Acad.* p.158.) By the ancient statutes, heads of houses and doctors are united with the chancellor in making visitations and corrections of hostels and houses, where students resided, *Stat. Ant.* 19; but they possessed no official rank which did not belong to their degree.

² DR. LAMB'S *Collection of Documents from the Library of C. C. College*, p. 165. She thus speaks of the reforms made in the two preceding reigns:—"Amonge diverse other inconveniences and misordres browght in and set forth in that our University of Cambridge,

"one of the greatest and chiefest occasions of many of the said misordres is that withowt sufficient authority, only upon the sensuall mindes and rash determinations of a few men, the auncient statutes fundacions and ordinaunces of the hole Universitie, the colledges and other places of students have been muche altered, broken and almost utterly subverted: Wherebye not only the laste wylles of many good men have been broken, and many wise politique and godly ordinaunces confirmed by parliaments and by sundrye our progenitors fondly and irreverently contemned; but the consciences of many honest men which by their othes were bound to the observation of the said statutes and fundacions, have been much encumbred, and youth losely and insolently browght up, to the great discredit of the university, and no small hinderance of the common welth of all our realme:" &c. &c.

the seas. It is not surprising, therefore, that the remaining members of the university should have greeted the recovered authority of their chancellor with a triumphant epistle¹, and should have denounced, in indignant terms, the tyranny which had compelled them to renounce the ancient faith of the kingdom. Articles of faith were prepared for the subscription of all regents and non-regents, and of every person admitted to a degree². The doctrine of transubstantiation, and of the sacrifice of the mass, which had been so openly and frequently impugned in the public disputations during the last reign, were directed to be written out with the signature of the vicechancellor, and placarded in conspicuous places³; and the defence of them was made the principal subject of the theological exercises of the university. Gardiner⁴ died in 1556, and was succeeded by Cardinal Pole, under whose auspices a second visitation⁵ of the university began on the 11th of January, 1557, and was continued during several months, which not only rooted out all discoverable traces of heresy, but completely re-established the ancient superstitions, both in the town and university.

The statutes which the new commissioners framed, which are usually called those of Cardinal Pole, are chiefly remarkable for the changes which they introduced in the ancient forms of election, and for the partial recognition of the heads of houses, as possessing academical rank and authority in that capacity alone. In the election of vicechancellor, the heads of houses, the doctors of all faculties, and the bachelors of divinity, were

¹ *Documents from C. C. College*, p. 167. Most probably composed by Stokes, the public orator, a most zealous Roman Catholic. See Note 2, App. A, p. iii.

² *Ibid.* p. 172. To these is added the names of all the doctors, non-regents, regents, and bachelors, who subscribed.

³ *Documents from C. C. College*, p. 172.

⁴ All the four preceding chancellors, namely, Fisher, bishop of Rochester, Cromwell, earl of Essex, the Protector Somerset, and Dudley, duke of Nor-

thumberland, had perished on the scaffold. The same fate awaited another chancellor, Robert Devereux, earl of Essex, in the following reign.

⁵ The members of this commission were—Christopherson, bishop of Chester and master of Trinity College, Dr. Henry Cole, provost of Eton, Cuthbert Scott, bishop elect of Chester and master of Christ's College, Nicholas Ormanet, an Italian priest, and the pope's datary, and Thomas Watson, bishop of Lincoln and late master of St. John's College.

directed to nominate two persons¹, (a majority of their entire number being required within three scrutinies to agree upon the names selected²,) one of whom was within two days to be chosen by the regents; whilst in the choice of the ordinary lecturers³, the vicechancellor and heads of colleges and halls, made a similar nomination, without the co-operation of the doctors and bachelors of divinity. Graces were only allowed to be passed, except under very urgent circumstances to be approved by the two houses of regents and non-regents, at four principal and fixed congregations which were held in each year; and those persons, and no others, who had been appointed members of the *Caput Senatus*, at the beginning of the year, were continued to its conclusion, an important and fundamental innovation⁴; and to each of them was given a *reto* (*vox negativa*), in conformity, most probably, with its ancient constitution⁵. Several statutes were passed for the preservation of the purity of the Catholic faith⁶, and for the due and effectual observance of Roman Catholic ceremonies, in the celebration of masses, in public processions⁷, at the exequiæ of benefactors, and on all the other stated festivals of the Romish church. Few innovations were proposed in the conditions or forms of graduation, whilst the provisions made for the public lectures of the professors and ordinary readers, and for the conduct of the public disputations⁸, differed in no very essential point from those which had been prescribed by the statutes of Edward VI.

This new constitution of the university, however, was destined to be nearly as short-lived as that which preceded it. On the 17th of November, 1558, in the year which followed the last visitation,

¹ *Collection of Documents from C. C. College*, p. 238, and *Stat. Acad.* p. 564.

² If such a majority could not be secured for two, the names of all those proposed for nomination were sent to the chancellor of the university, who selected two names from their number.

³ *Collection of Documents from C. C. College*, p. 239, and *Stat. Acad.* p. 565.

⁴ *Collection of Documents from C. C. College*, p. 239; *Stat. Acad.* 566.

⁵ See Note 1, p. 21.

⁶ *Collection of Documents from C. C. College*, p. 242; *Stat. Acad.* p. 569.

⁷ *Collection of Documents from C. C. College*, p. 243. See an account of a *generalis processio*, in p. 213. See also Appendix A. p. xv. Note.

⁸ *Collection of Documents from C. C. College*, pp. 247, 248, 249.

the queen died, and in the following June a new commission¹ was issued by her successor, which abolished the Marian statutes, and re-enacted, with very trifling alterations², the statutes of Edward VI. The university had thus, in the course of ten years, been under the government of four different constitutions: she had witnessed, during that period, the banishment and death of some of her most distinguished ornaments; and she had been exposed to the still more bitter trial and humiliation of witnessing the most rapid and fundamental revolutions of opinion and of profession, amongst a majority of her members, on the most vital points which can concern mankind.

The restoration of the Protestant statutes of Edward VI. did not suffice, however, to restore tranquillity to the university. Many of its members had taken refuge, during the reign of terror, in Germany and Geneva, where they had imbibed, along with the principles and prejudices of the reformed churches, a fixed dislike of the form of church government, which was in the course of establishment in this country³. Others retained their attachment to the ancient faith, and conformed to the existing

¹ The members of this commission were—Sir William Cecil, chancellor of the university; Sir Anthony Coke; Matthew Parker, master of Corpus Christi College and afterwards archbishop of Canterbury; Dr. William Bill, the queen's almoner; Sir Walter Haddon, master of the requests; Dr. William Meye, dean of St. Paul's; Dr. Thomas Wendie, the queen's physician; Dr. Robert Horne, and Dr. James Pilkington.

² The changes are generally very unimportant. Thus in Edward's statutes, in the account of the course and succession of academical studies, the first year of a student's residence in the university was devoted to arithmetic; but in those of Elizabeth to rhetoric. The same visitors extended their labours to the revision of the statutes of Trinity College, Clare Hall, Queen's

College, St. Peter's College, and Jesus' College; but in most of the other colleges, and particularly in King's College, their authority was resisted, and the popish statutes were left in full operation, except so far as they might be said to be repealed, by the general injunctions of the visitors, as being contrary to the laws of the land. The statutes of St. John's College, were revised by a commission appointed in 1576, whose members were Lord Burghley, the bishop of Ely, Dr. Whitgift, Dr. Perne, and some other heads of houses: the changes introduced tended to assimilate them to those of Trinity College.

³ This spirit was generally prevalent in the university, and was only kept under by the prompt and decisive expression of the queen's wishes and authority.

order of things, trusting to the recurrence of another of those extraordinary revolutions, so frequent of late years, which might again restore the ascendancy of their party¹. A still greater number had not hesitated to comply openly, whether from want of principle or courage, with the changes of religion, as they had successively taken place, and were the objects of the undisguised contempt of all those who had braved privation and exile for the sake of their opinions². In a society composed of such discordant materials, it was in vain to expect an extensive or general acquiescence in common principles or opinions, whether they regarded the constitution of the church, or the practical

¹ Dr. Kees (Caius), the third founder, and at this period, the master of Caius College, with a view to the probable restoration of popery, had carefully preserved all the apparatus of the Roman Catholic service, such as "vestments, albes, tunicles, stoles, manicles, corporas cloths, with the pix and sindon, with the canopy, besides holy water stops, with sprinkles, pax censers, superaltaries, tables of idols, mass books, porteuisses and grailes, with such other stuff as might have furnished divers masters at one instant." (STRYPE'S *Parker*, book III. chap. iv.) These were burnt or defaced on the 13th of December, 1572, by the order of the heads of houses, and with the willing hearts of the whole house. A similar accusation had been brought against Baker, the provost of King's College, and upon this and other charges, he was expelled in 1569. Dr. Hawford, master of Christ's College, and Dr. Ithell, master of Jesus' College, were likewise accused of a leaning to similar opinions.

² The most notorious of these was Dr. Perne, who had conformed readily and openly during the late changes. In the visitation of Edward VI. his name appears as taking a prominent part in a divinity act, with Ridley and

others, opposing the doctrine of transubstantiation; whilst during the visitation of Queen Mary, he was vice-chancellor, and took a leading part in the absurd processes which preceded the exhumation and burning of the bones of Bucer and Fagius, and also in all the measures adopted for the restoration of the purity of the Roman Catholic faith. Within little more than a year from this time, he conformed with apparent willingness and readiness to the acknowledgment of the supremacy of Queen Elizabeth, and in consequence the term *Pernare* became a by-word to express frequent and unprincipled changes of opinion. He had protected, however, Whitgift, who was a fellow of his college, during the Marian persecution,—a service which he always acknowledged with affection and gratitude; and it is greatly to his credit that Archbishop Parker, a prelate of good judgment and temperate opinions, thought so highly of his merits as an instructor and guardian of the youth who were intrusted to his charge, that he abandoned his own college for the purpose of placing his eldest son at Peterhouse, that he might be under his guidance and tuition.

administration of the university; and we consequently find that the contests of different factions increased daily in violence and intemperance. The liturgy and government of the church were openly impugned. The surplice was rejected¹ as a badge and relic of popery. The forms of the daily service, and of the administration of the sacraments, were altered or neglected; and it was reserved for the vigorous and severe administration of Whitgift, supported by the authority and favour of the lord treasurer Cecil, who was chancellor of the university, and aided by the new statutes which he had himself composed and which he strictly enforced, to give peace at least, if not contentment, to this troubled community.

This very remarkable person was a bachelor of arts² and fellow of Peterhouse, during the visitation of Queen Mary, having continued in the university, under the protection of the master, Dr. Perne, who was at that time an open abettor of popery. Upon the accession of Elizabeth, he became known to Cecil and Archbishop Parker, as a young man of more than common learning and ability, combined with an extraordinary capacity for business, and great firmness and decision of character. He became shortly afterwards successively Lady Margaret's³, and Regius professor of divinity⁴; and we find him uniting with several heads of houses in 1564, in a petition⁵ to the chancellor of the univer-

¹ Even Whitgift joined with Dr. Hutton in 1565, in petitioning the chancellor of the university, praying him to use his influence with the queen to stay the proclamation for enjoining the wearing of the old habits, as likely to end in forcing into exile from the university many of its most distinguished members. On a subsequent occasion, the fellows and scholars of St. John's College, with the connivance of the master, Dr. Longworth, openly refused to wear the surplice in the college chapel, and ventured to make many innovations in the church service and in the form of administration of the sacraments; many other colleges

were fully disposed to follow their example.

² He was born at Grimsby in Lincolnshire, in 1530, (some say 1533): B.A. 1553—4; M.A. 1557; B.D. 1563; D.D. 1567; he acted as *tripos* on Ash Wednesday, 1557. App. A. p. x. Note 2.

³ Lady Margaret Professor in 1563, as successor to Dr. Matthew Hutton.

⁴ Regius Professor of Divinity 1567, as successor to Dr. Hutton.

⁵ The parties to this petition were Dr. Hawford, vicechancellor; Dr. Perne; Dr. Beaumont, master of Trinity; Dr. Pilkington, master of St. John's; Dr. Stokes, president of

sity, to revive the Marian statute, which gave to their body, in conjunction with the doctors of all faculties and bachelors of theology, the power of nominating two persons to the regents in the election of vicechancellor and some other university officers, as a means of checking the spirit of faction which at that time so violently agitated the university. In the year 1567, he succeeded Dr. Hutton in the mastership of Pembroke, and within three months afterwards he was transferred to the mastership of Trinity College, as the successor to Dr. Beaumont. Being now raised to the most distinguished station in the university, secure of the support and favour of the chancellor, and regarded by the other heads of houses as the ablest and most powerful champion of their claims, he at once took the lead in the formation of plans for such an alteration in the laws and constitution of the university as might silence, at least, if not suppress, the spirit of faction and opposition to ecclesiastical and royal authority which so generally prevailed, by converting the academical republic into an oligarchy, with whom should be lodged the power of controlling every important election, as well as every measure of practical administration.

The new code of statutes has been generally understood to have been composed almost entirely by Whitgift, with occasional aid from Dr. Caius, Dr. Perne, and Dr. Mey; they were signed by the queen on the 25th of September, 1570, and in the following November¹, they came into operation on the election of vice-

Queen's; Dr. Kelk, master of Magdalene; with Whitgift, and Dr. Longworth, afterwards master of St. John's. After stating, in their petition, the general grounds upon which they venture to seek for this alteration, particularly in the election of vicechancellor, they proceed to state that "this was no new device. For that factions growing about the vicechancellorship, in Queen Mary's time, the above-named orders by her visitor's authority, were appointed."

¹ They probably came into operation on the 10th of October, or rather on

the 12th of October, at the election of the *caput*, though it is well known that they experienced the most violent and determined opposition. Dr. Whitgift, whose arbitrary and somewhat tyrannical temper, combined with his known share in the formation of the new code, had made him generally unpopular, was nominated by the heads of houses, in conjunction with Dr. Perne, a name odious to the great body of the university, from the infamy of his former character. In the following year, Dr. Kelk, master of Magdalen College, was nominated with Dr. Whitgift, and elected.

chancellor, Whitgift himself being the first that was chosen. The following is a brief outline of the principal changes which they effected in the ancient or recent statutes and usages of the university.

The heads of houses were constituted a distinct and separate estate in the government of the university¹. In the election of the vicechancellor², the ordinary lecturers³, the bedels⁴, and inferior

There were, at this time, few persons of high character or distinguished talents amongst the heads of houses. Dr. Caius was accused of being a favourer of popery, under the disguise of irreligion, and his tyrannical and arbitrary administration of his own college, brought upon him the censure and remonstrances of his friend and countryman, the mild and judicious Archbishop Parker. The names of Dr. Hawford, Dr. Ithell, and Dr. Perne, have been noticed before. Dr. Kelk became afterwards notorious for his dilapidations of the property of his college, by alienating the greatest part of the foundation estate of Lord Audley. Dr. Aldrich, who had been appointed by Archbishop Parker master of Corpus Christi College, abandoned his patron, and adopted the principles of the Puritans. The only two men of the whole body who afterwards attained to eminence, besides Whitgift, were Dr. Chaderton, president of Queen's, who became bishop of Lincoln, and Dr. Young, master of Pembroke, who became bishop of Rochester.

¹ They possessed no privileges, according to the ancient statutes, beyond what belonged to their academical degrees. In the early part of the sixteenth century, when the great number of colleges founded in the university naturally augmented their influence, we find them sometimes noticed as authorized by a grace of the senate to advise and counsel the chancellor and proctors on some unimportant ques-

tions relating to students not yet of age to be matriculated (*Stat. Acad.* 121 and 125). By the statutes of Edward they were constituted assessors of the chancellor, in inflicting punishments, whether of expulsion, imprisonment, or of a lighter character (*Stat. Acad.* 158); the Marian statutes, however, gave them many privileges, though much less ample than those which were conferred by Whitgift's code.

² (Cap. 34.) The Marian statutes united the doctors of all faculties and the bachelors of divinity, with the heads of houses, in the nomination of vicechancellor (*Stat. Acad.* p. 564).

³ (Cap. 40.) The Marian statutes gave the heads of houses *alone* the power of nominating two regents for each ordinary lecture, one of whom was chosen by the house of regents within two days (*Stat. Acad.* p. 565. See Note 3, App. A. p. vi.)

⁴ (Cap. 40.) A former statute (cap. 38) had provided for their election in conformity with the ancient statutes (*Stat. Ant.* 71), which was overruled, as might have been expected, after many disputes (*Stat. Acad.* p. 295) by the more general statute (40), in which they are named with other officers. There is little doubt but that this 40th statute, which gives generally the power of nomination to the heads of houses for all inferior offices, was an *after-thought*, and that it was inserted after the other statutes had been framed.

officers, they were empowered to nominate two persons, one of whom was necessarily chosen by the united houses of regents¹ and non-regents on the following day; a most important privilege, which they further amplified by interpretation². They were united with the doctors and scrutators in choosing the *caput senatus*. The chancellor could not expel a student or scholar, nor imprison a doctor or head of a house, without the concurrence of the majority of their number³; they were the councillors and assessors of the chancellor in matters affecting the conduct and discipline of the scholars⁴; they fixed the times and the subjects of the ordinary and other lectures⁵; they were discharged from the performance of all exercises in the public schools and elsewhere; and an absolute *вето* was given to them in their own colleges, in all elections of fellows, scholars, officers, and servants, and in the granting of leases and all public acts whatsoever⁶. Finally, they were made the authorized interpreters of whatever was doubtful and ambiguous in the new code⁷.

The *caput senatus*, composed of the chancellor, a doctor of each of the three faculties, a non-regent and a regent master of

¹ The elections, according to the old statutes, were generally in the hands of the regents, which comprehended all the working members of the university. The statutes of Edward VI. and of the first year of Elizabeth did not materially innovate upon the privileges of the regents.

² The election of the public orator was perfectly open by the ancient statute (*Stat. Acad.* p. 112). It was brought by a most unjustifiable interpretation in the following year (1571) under the general rule of the 40th statute. Similar attempts were made in later times, though with less success, to bring the election of *members of parliament* (*Stat. Acad.* p. 334) and of professors, (when the mode of election is not prescribed by their foundation,) under the 40th statute.

³ (Cap. 42.) Whatever is said of the chancellor may be applied to the vice-chancellor in his absence.

⁴ The doctors generally assisted, in ancient times, in corrections and matters of discipline (*Stat. Ant.* 19).

⁵ The proctors, according to the ancient statutes, regulated the *tempora et modos legendi* (*Stat. Ant.* 54).

⁶ This was contrary to the provisions of the private statutes of many colleges, at least in peculiar cases, and particularly in elections. This statute was not generally accepted or acted upon, and therefore has, in later times, been considered as inoperative.

⁷ A most important power, which has, upon the whole, been more temperately exercised than, under the circumstances, might reasonably have been expected.

arts, was appointed at the beginning of the academical year¹. To each of these *sextumviri* was given an absolute *veto*, and no grace, whether for degrees or any other object whatever, can be submitted to the houses of regents and non-regents, which has not received the previous sanction of every member of the *caput*. In the election of this body, separate lists of five persons each (the chancellor being, *ex officio*, the sixth) were formed by the chancellor and each of the two proctors, and their ultimate selection was left to the heads of houses, the doctors of all faculties, and the two scrutators². This was the only official act in which the doctors, as a body, were allowed to participate.

The extraordinary powers conferred upon this body by their continuance during an entire year, and the exclusion of the great body of the senate from all share in its nomination, were innovations upon the ancient constitution of the university of the most important and fundamental character. By the statutes which were previously in force, some at least of the members of the *caput* were generally appointed for one congregation only; and whatever were the powers which they possessed in one congregation, they could not permanently retard or embarrass the legislative or administrative proceedings of the university³. But in those days of political and religious turbulence and excitement, when public opinion was too slowly propagated or too feebly expressed, to impose much restraint upon the free course of individual action, it was speedily found that a body intrusted with an authority so ample, and secure of its continuance for so long a period, was fully disposed to make its influence felt and feared, by making it subservient to the gratification of personal resentment, or the promotion of objects of religious or political partisanship⁴. Even in modern

¹ For a discussion on the ancient powers and constitution of the *caput*, see Note, p. 21. The complaints of the regent masters respecting the mode of nominating this body, its permanent existence for an entire year, and the influence of the heads of houses in the selection of its members, may be seen in DR. LAMB'S *Collection of Documents from the Library of C. C. College*, p. 366.

² The chancellor's list (or vicechancellor's, in his absence) is almost invariably taken.

³ See Note, page 21.

⁴ The nomination of delegates, in appeals from the chancellor's court, was given to the *caput* and proctors, an innovation on the ancient practice, which occasioned great complaints (DR. LAMB'S *Collection of Documents*,

times the powers of the *caput* have not always been wisely or considerably exercised, and there is no part of the constitution of the university, though useful and necessary for many purposes, which has operated more injuriously to its interests, by the discouragements and obstacles which it has opposed to the consideration and enactment of measures of rational improvement.

The ancient powers of the proctors, whether in the congregation or elsewhere, were either entirely abrogated or greatly circumscribed; they were formerly elected openly by the regents, but were now nominated according to a cycle of colleges¹, and merely submitted to the regents for their approbation. Whatever authority was given to them, by the ancient statutes, of regulating the times and subjects of the public readings and disputations, of imprisoning scholars, of suspending gremials from their votes in the congregations, or from degrees taken or to be taken, and even in extreme cases, of acting in defiance of the chancellor himself², were now either abrogated or transferred to the chancellor and his assessors. The custody of the public and of the private chests, and the administration of the finances of the university, were given to the chancellor and the proper *custodes*; they no longer continued to be the chief administrative officers of the university, as the organs of the house of regents, but were made, in all their functions, that of *creation* excepted, subordinate to the authority of the chancellor. They were still required to regulate the disputations of the masters of arts³, and to control the public exercises in all the schools (those of theology excepted); whilst the power of inflicting punishments and imposing fines was given to the chan-

p. 366). The members of the new *caput*, even during the first two years of their appointment, were openly accused of using their powers for dishonest and personal objects.

¹ A composition for the election of proctors, according to a cycle of colleges, halls, and hostels, (eleven turns were given to the hostels out of eighty-eight,) was made on the 11th of August, 1514, by a grace of the senate. In the year 1556, a grace was passed for the

revision of the cycle. These compositions, however, are not recognised in the statutes of Edward VI., and of the first year of Elizabeth, where the ancient statutes for the election of proctors are re-enacted with very slight changes: we may presume, therefore, that these compositions had ceased to be followed.

² *Stat. Ant.* 57 and 54. See the Note, page 23.

³ *Cap.* 43.

cellor. No attempt, however, was made to abridge or limit their authority in the act of creation and admission to the regency, which the ancient statutes of this, and the common law of all other universities, had reserved to the proctors, as the executive officers of the regents¹, though the new statutes deprived the regents of all those privileges, which, in former times, had been so jealously and so strictly guarded. All the ancient forms and ceremonies in conferring degrees², with the exercises of *determination* in Lent, and of *inception* at the *majora comitia*³, in July, were preserved unaltered. The forms of admission and profession of bachelors and doctors of divinity were merely altered so far as was necessary to suit the reformation in religion⁴.

The *ratio studiorum*⁵, and the succession of lectures and exercises for different classes of students and graduates, were left nearly in the same state (though somewhat more strictly defined) as in the statutes already in force. But the conditions of graduation, at least for the superior degrees, were made generally more severe, both with respect to time and exercise⁶.

All graces for dispensations, with respect to time and exercise⁷, were not only forbidden, but, if passed, were declared to be null and void; and the concession of any grace, declaring admission by the vice-chancellor to stand for the *completion of the form and degree*, except in the case of noblemen and *quasi nobiles*, subjected every member of the *caput* to the imputation of perjury⁸. This rigorous and absolute prohibition of dispensations, which had formerly been so frequently and so easily granted⁹, most seriously

¹ Note. Appendix A.

² Cap. 19.

³ Cap. 20.

⁴ Cap. 20.

⁵ Cap. 1.

⁶ Supra, p. 13, and Note 2.

⁷ That is, graces for shortening the statutable intervals between the successive degrees, or for dispensing with the statutable exercises required.

⁸ (Cap. 21.) "Decernimus ut nulla gratia, quæ proponetur in scholis, dispensationem habeat quæcumque: et si

secus fiat gratiam illam irritam et inane esse volumus. Nec ulli concedatur gratia ut ejus *admissio stet pro completis gradu et forma*, sub pœna *perjurii* procancellarii et eorum qui fuerint in capite, nisi sint regie majestati a secretis aut episcopi, aut nobiles, aut nobilium filii."

⁹ Dispensations of time and exercise were likewise forbidden by the statutes of the first year of Elizabeth, and graces proposing them were pronounced to be null and void, nisi propter gravissi-

affected the privileges and administration of the university: it totally deprived the university of the power (which it formerly possessed, in common with every other university in Europe) of conferring degrees upon distinguished men¹, or of departing,

mam causam nos aliter statuemus (*Stat. Acad.* p. 202). No imputation of perjury was added as an additional sanction to this enactment; and we find from the graces for various dispensations which were passed whilst these statutes were in force, that its provisions were very imperfectly obeyed.

The statutes of King's, Trinity, and other colleges, contain very severe provisions against the claim or acceptance of any dispensation with respect to the usual times and exercises for degrees, which were probably introduced, in consequence of the extreme facility with which they were granted by the university. Amongst other academical statutes of later date (1518), is one *de dispensationibus*, where a long list of fees is given for different classes of dispensations (*Stat. Acad.* p. 108). The old grace-books of the university from 1480, (the earliest which exist,) are full of graces for dispensations.

So great was the deference paid in ancient times to rank and high station, that requests addressed to the university by the great (magnates), were considered as nearly equivalent to commands; and we find from an ancient statute (*Stat. Ant.* 146), that it had become an usual practice to make use of their aid for the purpose of obtaining dispensations for degrees. It was with a view to prevent such applications, that this statute ordered that every person admitted to any scholastic act or degree, should swear that he would neither solicit such applications for the purpose of obtaining a degree, nor would grant it in favour of another person who sued for it by such means. The statute further provided,

that if the university should be put to any expense *in excusando prosequendo defendendo expensas apponendo seu alias quomodolibet fatigari, occasione preceum vel literarum hujusmodi*, that neither the person in whose favour any such application (*preces vel literæ*) was made, nor any other member of the same college (*si collegiatus fuerit*) or convent (*si religiosus*) should be admitted to any degree or scholastic act, until the university was fully reimbursed. The fact was, that letters were required to be written and engrossed, messengers to be forwarded, servants and retainers to be feed, presents of wine, hypocras, eels, pikes, carp, tench, &c., (such presents are perpetually noticed in the ancient accounts of the proctors,) were to be given to the great men with whom the university was, on such occasions, brought into this involuntary and costly contact.

Every fellow of King's College, upon his admission, swears, "quod non pro-curabo literas vel preces Principum, Prælatorum seu aliorum magnatum quorumcunque," for the purpose of promoting his interest for procuring college offices, such as that of vice-provost, dean, &c.: so common had this practice become, that it was found necessary to resort to the strongest protection against the exertion of an influence which it was found so difficult to resist.

¹ The want of a privilege enjoyed by every other university in Europe is in a great measure supplied by the singular expedient of *mandate* degrees. In such cases the university petitions the queen to grant a dispensation from their statutes in favour of A. B., and praying

under any circumstances, from the strict conditions of graduation which the statutes prescribed.

The university continued to retain the power of making new statutes "for the increase of learning, and the preservation of discipline and good conduct amongst scholars," provided they neither detracted from, nor interfered with, the royal statutes¹: all other statutes and customs which were contrary to them, were declared to be abrogated and rescinded².

The period of the necessary regency of masters of arts was extended to five years, after which time they became, *ipso facto*, non-regents. No provision was made in the statutes for any dispensation from this law³.

for her royal mandate to command them to confer the degree, any statute to the contrary notwithstanding. At the same time that the petition is sent, a grace is passed, ordering the vice-chancellor and proctors to obey the mandate as soon as it is presented to them, and to confer and complete the degree, both by admission and creation. By this double act the university at once asks for the royal commands and accepts them when given, defining both the nature and the limits of the royal authority in academical legislation. The queen can alter, or dispense with, the whole body of the existing statutes, with the consent and acquiescence of the university, and not otherwise.

¹ *Stat. 12 Eliz. cap. 42, p. 253.*

² *Ibid. cap. 50, p. 271.*

³ The period of necessary regency, according to the ancient statutes, was one year (*Stat. Ant. 134.*) In those times the greatest part of the resident masters of arts and doctors were regents or teachers by profession, deriving the chief part of their support from the fees paid by the students. Doctors of medicine were formerly sworn to continue their regency for three years, and doctors of theology (whether monks,

friars, or *aulares*) for two years, unless they found, in the course of that period, legitimate successors who were ready to discharge their duties. In the year 1537, when the abolition of monasteries and other political and religious changes had thinned the university, the duration of the regency of the masters of arts was extended to two years, the first year only being considered as that of necessary regency. The statute in which this enactment is made justifies it, by a reference to the deserted state of the university, to the onerous burdens consequently thrown upon the remaining regents, and to the incompetence of the house of regents, now composed almost entirely of young men in the first year of their regency, to discharge properly its duties in the election of officers, and on other occasions (*Stat. Acad. p. 116*). The statutes of Edward VI. (*Stat. Acad. p. 163*), of Queen Mary (*Stat. Acad. p. 567*), and of the first year of Elizabeth (*Stat. Acad. p. 200*), extended the period of regency to three years, the first being that of necessary regency according to the ancient statutes.

All doctors, at their creation, are sworn to a regency of two years, though no such condition is prescribed

The constitution and general jurisdiction of the courts of the chancellor and commissary were not materially altered from the provisions of the ancient charters and statutes¹. Causes in which a master of arts or superior graduate were concerned were reserved to the first; all others (including those which arose at Midsummer and Stourbridge fairs) were left to the latter. The proceedings of the chancellor's court were directed to be governed by the principles of the civil law; and they were also required to be prompt and expeditious, and, if possible, to be determined within three days, *omni juris solennitate remotâ*². An appeal might be made within two days from the decision of the chancellor to the university, the appellant being required to lodge his complaint, within three days afterwards, with one of the proctors, and to deposit 20s.³, which he forfeited if he failed in his appeal or if he neglected to prosecute it, after delegates had been assigned. Three at least, and at most five, delegates⁴ were nominated by the caput and two proctors, whose names were submitted to the regents and non-regents for their approbation. If the list was rejected once, one or more names might be changed, and the revised list submitted to them again: after three such changes and rejections, the final nomination of the list was left with its original framers.

in the Elizabethan code. In the absence of any positive enactment to the contrary, the old statutes continued in force, in this and in all other instances.

¹ *Stat. Ant.* 10, 28—35, 37—39.

² *Stat. Ant.* 33 and 34: it was not necessary to reduce the proceedings to writing.

³ The ancient deposit was 18*d*. The period of appellation within three days. (*Stat. Ant.* 38).

⁴ The delegates for the trials of appeals were anciently appointed by the regents and non-regents, and were frequently resorted to with a view to defeat or set aside the decisions of the chancellor's court. The removal of the power of nominating delegates from the senate at large to the caput

and two proctors, made a great innovation in the ancient customs of the university, and was felt as a very serious grievance, when the powers of the chancellor's court were constantly exercised, and when such appeals, though greatly abused, formed the only protection possessed by the masters of arts against arbitrary imprisonments and other acts of oppression and injustice. It was contended, and with great justice, that a body of men, including the vice-chancellor himself, who had nominated the other members of the caput, were not likely to make an impartial selection of delegates to judge of an appeal from his own decisions. (DR. LAMB'S *Collection of Documents*, p. 372.)

The chancellor was authorized to punish all members of the university (*ignavos, grassatores, rei suæ dissipatores, contumaces nec obediētes*) whether under-graduates or graduates, with suspension from their degrees, *imprisonment*¹, or any light punishment, by his sole authority; but he could not *expel* a scholar or student, or imprison a doctor or head of a house, without the concurrence of the major part of the heads of houses.

The new statutes, proposing, as they did, such extensive changes in the constitution of the university, and in the distribution of power amongst the different classes of its members, created, when first received, nearly universal discontent, and as much opposition to them as the arbitrary principles of the government of Elizabeth rendered safe or tolerable. Dr. Whitgift was nominated and elected the first vicechancellor under the new code, and was not disposed to mitigate the severity of harsh laws by their mild and considerate administration². He availed him-

¹ The statutes of the first year of Elizabeth made the assent of a majority of heads of houses necessary to the imprisonment, or other punishment, of all gremials and masters of arts (*Stat. Acad.* p. 108). The new statutes gave the power of imprisonment to the chancellor alone. If we may believe the complaints of the regents against the new statutes in 1572, the vice-chancellor (probably Dr. Whitgift) was not indisposed to exercise his power of sending masters of arts to prison; and "therefore," say the complainers, "*the first word now commonly is, To the Talbot with him, as by divers examples is to be proved.*" (*DR. LAMB'S Collection of Documents*, p. 372).

² Whitgift was nominated by the heads of houses along with Dr. Perne, a combination of two unpopular men, which left little choice to the great body of the regent and non-regent masters. In the petition of the regent masters to the chancellor, against the new statutes, many references are made to his harsh and domineering

temper and conduct; and the reply of the heads of houses, which was most probably drawn up by him, is remarkable for the abusive and intemperate language with which it assaults the petitioners, and more especially whenever they appear to have the advantage in the argument. A still more decisive proof exists of the violence of his temper in a decree of the heads of houses, drawn up by him in 1571, when he was vice-chancellor, against the practice of bathing, condemning all under-graduates, without regard to age, who were convicted, upon probable or sufficient evidence, of having entered the water, *natandi seu lavandi causa*, whether by night or by day, in any part of the county of Cambridge, to be whipped publicly on one day in the hall of their college, in the presence of all the fellows, scholars, and other members, and on the following day in the public schools before the ordinary lecturer and all his hearers; if the offender was a bachelor of arts, he was for the first offence to be confined to

self without scruple of the extraordinary powers which the new statutes gave him to suppress the rebellious spirit which had manifested itself in nearly every college of the university, and in which resistance to the hierarchy and liturgy of the church was combined with a very reasonable hatred of the bondage which the new law imposed upon the great body of the senate: but neither his own commanding talents, nor the well-known favour of the chancellor, could save him from the storm of obloquy and opposition which he encountered¹. A petition, signed by one hundred and sixty-four masters of arts and superior graduates², was addressed to the chancellor, containing a very detailed statement of their objections to the new statutes, and of their complaints of the severe and somewhat tyrannical conduct of Dr. Whitgift and the other heads of houses, in carrying them into execution. This petition was referred by the chancellor to the

the stocks in the hall of his college for one entire day, and to pay a fine of 10s. before he was released, and for the second to be expelled the university without appeal. (*Stat. Acad.* p. 453.) It is a singular proof of Whitgift's influence with the heads of houses, that he should have been able to induce them to sign a decree of such savage and indecent severity.

¹ Strype, in his *Life of Whitgift*, (book i. chap. 5,) gives the substance of a letter addressed by Drs. Chader-ton, Pern, Hawford, Harvey, Ithell, and Byng, to the chancellor, praying him to use his authority with Whitgift not to quit the university, which he had threatened to do, when wearied out with the opposition and obloquy which he experienced in enforcing the statutes of his own college, and in defending the new statutes of the university: they pray, that he would "continue his favour and countenance to him as heretofore; and that the fellows of the house, his adversaries, and others, without cause, might not insult and triumph over him; and that their

close biting and slanderous reports might not be further credited, than just proof thereof could be made: and that he might be so used by his wisdom, that they (*the Heads*) might not lose him, whom they could not want." It rarely happens, even in the worst times, that a public officer can be blameless who becomes the object of very general dislike and opposition; and there is no reason to doubt, from our knowledge of Whitgift's subsequent history, that he merited much of the hatred with which he was regarded by his enemies: it would be unjust, however, to his memory, not to acknowledge that his own college flourished in an unexampled degree under his administration: or to deny that his government of the church, when he was advanced to the primacy, though somewhat arbitrary and severe, was, by its disinterestedness, upon the whole, both just and judicious.

² DR. LAMB's *Collection of Documents*, p. 358, where the names of the petitioners are given.

two archbishops, and to the bishops of London, Ely, and Bangor, together with Whitgift's¹ reply to it; and, as might have been anticipated, the decision of the referees was unfavourable to the petitioners, who are accused of using "disordered meanes in seeking subscription of names without the licence of the vice-chancellor." An angry and decisive letter from the chancellor, addressed to the university, expressing the pleasure of an authority which could not safely be questioned, put a final stop to all further attempts to resist the reception of the new statutes.

A very short experience, however, of the working of these statutes was sufficient to show the impracticability of many of their provisions: they were adapted, in fact, to those persons only who were presumed to be continually resident in the university, from the period of their first admission until they had attained the honours of the doctorate, a period of nineteen years in the faculty of theology, and of at least thirteen years in those of civil law and medicine². The continued commorancy of bachelors of arts in the university, during the three years which separated the first and second degrees in arts, and the actual continuance of the regency during an additional period of five years, though partially enforced by the obligation of an oath, would appear

¹ It is the reply of Whitgift, Perne, Hey, and Caius, who had been principally concerned in framing the new statutes: there is internal evidence, however, to show, from its resemblance to his other writings, that it was written by Whitgift. The concluding paragraph of this reply gives an amusing picture of the dress and habits of the academical bucks of those days.

"As touching the statute for apparel, none in all the university do more offend against that statute than the two proctors, who should give best ensample, and these other two regents, Nicolls and Browne, with a few more of their adherents, who do not only go very disorderlie in Cambridge, waring for the most part their hates, and continually very unsemley ruffes at their

hands, and great galligaskens and bar-reld hoese stuffed with horse tayles with skabilonions, and knitt nether-stockes to fine for schollers: but also most disguysedlie theie goo abroade waring such apparell even at this time in London, (although like hipocrites they come at this time outwardlie covered with the schollers weed before your honners,) that a great sort of godly men, and such as bear good will to the universitie, are greatly offended to se such unsemleie going of schollers, and especially of proctors and ministers (through whose lewde ensample and behaviour the universitie is evell spokenn of, and poor schollers lesse respected)."

² *Supra*, p. 13.

to have been habitually disobeyed from the period of the first promulgation of the statutes¹: and the necessary supply of the public service, both in church and state, with men of education and learning, was incompatible with their continued residence in the university, and with the performance of that strict succession of academical duties and exercises which the statutes contemplated. The same statutes, however, had absolutely forbidden dispensations of form and time, and thus deprived the university of the opportunity of conferring its appropriate rewards upon those of its members, however distinguished by their learning or their social position, whose duties in other places interfered with their compliance with the conditions of the statutes. It was with a view to provide some partial remedy at least, to so serious an evil, that Whitgift and the other heads of houses, petitioned the chancellor to procure a relaxation of the statute against dispensations to such an extent as might enable the university to confer degrees under such circumstances, even when the statutable conditions with respect to residence and exercises had not been complied with. The interpretation², or

¹ See the Interpretation made March 25, 1608, (*Statuta Acad.* p. 331,) where this continued neglect of those statutes, which enforced the residence of bachelors and masters of arts, is assigned as a reason for a relaxation of them; the authors of this interpretation very candidly confess that it is contrary to the express provisions of the statutes, and we may venture to add that it was consequently beyond their proper province or authority as interpreters.

² *Statuta Academiæ Cant.* p. 320. In the Appendix to STRYPE's *Life of Whitgift*, No. 18, is given the form of the letter or petition addressed to Lord Burghley by the heads of houses, and which gives most satisfactory reasons for the proposed alteration: this petition was transmitted through Whitgift, "to whom they pray that his lordship would give as much credit as to their letters." The statute itself offers a curious ex-

ample of the uncertainty and obscurity of legislation, even to the very framers of the law: after quoting the words of the statute, caput 21, *Decernimus ut nulla gratia quæ proponetur in scholis dispensationem habeat quæcumque ac si secus fiat gratiam illam irritam et inanem esse volumus*, they proceed to state, "quæ verba a multis variè accipi solent. Nonnulli de gratiis illis tantum quæ proponuntur pro regimine lectionibus negotiis ac aliis causis publicis universitatis intelligere volunt. Alii ad exercitia scholastica ac temporum diurnitatem quæ in gradibus suscipiendis fieri jubentur illa verba trahunt. Sunt porro qui gratias quidem omnes hisce verbis complectuntur: verum quæ pro gradu peti solent eos tantum astringere qui in universitate commorantur alios autem qui nuper hic studuerunt ac per graduum susceptionem specimen eruditionis suæ

rather statute which was founded upon this petition, and which was sanctioned by Lord Burleigh, forms the only considerable alteration which the statutes have undergone since the time that they were first given; and if the spirit of its provisions had been more strictly adhered to, its operation would have tended to increase, and not to lower, as it has done, the credit of our superior degrees, and to cement, instead of dissolving, the connexion of the university with its most distinguished and influential members.

There are very few of the subsequent interpretations of the heads of houses, beyond those to which we have already referred, which can be considered as proposing or involving any considerable changes in the system of the statutes, though they sometimes authorized a neglect or departure from them, which time or practice had already, more or less, sanctioned¹. The same remark applies to the various royal letters which were sent to the university by the different sovereigns of the House of Stuart, with the

dederunt sed nunc extra universitatem vitam degunt sub illis verbis ex æquitate legis non contineri putant. Quorum dubitationem tollere cupientes mentem legislatoris potius quam ipsum verborum corticem secuti cum benignius leges sunt interpretandæ quo voluntas earum conservetur voluntas enim et ratio legis esse videtur ut digni et non alii ad gradus admittantur."

The interpretation then proceeds to allow of dispensations in all faculties to *distinguished persons non-resident* in the university, and to *those only* who have taken the degrees of M.A., LL.B., or M.B., who have been prevented by their non-residence from following the regular course and succession of academical exercises and degrees.

¹ The interpretations, made in the years 1578 and 1608, are of this class: the second has been already referred to, (*Supra*, page 55, note 2,) and the other sanctions the reduction of the

quadriennium of continued residence, which the ancient and Elizabethan statutes required to be completed before admission *ad respondendum questioni*, by including in it the entire period of the *quadagesimal exercises*; so that persons who were matriculated and in residence before the beginning of the Easter term, might *determine* in the fourth Lent following, provided they were not absent for more than a quarter of a year, or for the half of any one term during that time, unless on account of "the sickness of himself, or of some one of his natural friends, or for any other necessity and lawful cause." It became afterwards the practice, though never sanctioned either by distinct grace or interpretation, to consider this term also as kept and included in the *quadriennium*, if the name of the student was simply entered upon the boards of any college though he had never resided during any portion of it.

exception of those letters of James I., which enjoined subscription to the three articles of the Thirty-sixth Canon upon admission to degrees, which had not previously been required¹. These letters are chiefly confined to injunctions for the more strict observance of the statutes and public exercises of the university².

The examination of these and other university documents would appear to show that the new statutes were not only vehemently resisted³ at the period of their first promulgation, but that their subsequent administration was very irregular⁴, and some of their most essential provisions neglected or violated⁵. They were destined, in fact, to experience the fate which has attended all systems of statutes or laws which have attempted, by being themselves unchangeable, to fix immutably the changeable character of the wants and habits of mankind. The Elizabethan Statutes provided most cautiously against the introduction of those amendments in the academical constitution and administration which might adapt them to the changes, which the lessons of experience, or the advancement of knowledge, might render necessary or expedient: and we consequently find that, in

¹ *Litteræ Regiæ Statuta Academiæ*, pp. 279, 281, 282: for the history of the proceedings of the university, with reference to subscription, see Dr. LAMB'S *Collection of Documents*, p. Liii. and Dr. AINSLIE'S *Historical Account concerning Oaths and Subscriptions*, p. 35.

² *Litteræ Regiæ Stat. Acad.* pp. 282, 283, 302.

³ In the year 1580, on the feast of St. Barnabas, and when Dr. John Hatcher, a physician, was vicechancellor, two very extraordinary graces were passed, one associating doctors of all faculties with the heads of houses in the nomination of the vicechancellor, lecturers, and other officers; and the other, subjecting the heads of houses to take their regular turns of preaching at St. Mary's, except on Sunday mornings: these graces were *ipso facto* null and void, as being contrary to the

Elizabethan Statutes, and they were therefore never formally repealed; it is very difficult to conceive the circumstances under which they could have been passed.

⁴ On the 10th of June, 1581, a singular grace was passed, decreeing, *ut posthac perpetuo nihil petatur in senatu sine consensu capituli*. Why was such a grace necessary? Could it refer to the irregular proceedings of the preceding year? Does it not in some degree justify the inference that this most essential provision of the Elizabethan Code (the previous assent of the caput to all graces proposed) had not been regularly observed?

⁵ Besides the examples referred to, many others may be found in the graces of the senate, and decrees and interpretations of the heads of houses, between 1570 and 1600.

later ages, they either tended to check or to retard the progress of improvement in the system of academical education, or assumed, when their provisions were no longer maintainable, that unreal, yet embarrassing, character which belongs to laws, which, though enforced by the most solemn obligations, are either impossible to be obeyed, or have long been habitually and systematically neglected.

This character would apply, not merely to the unchanged and unchangeable code of Elizabeth, but likewise to the statutes of nearly every ancient foundation in the university¹. They will be found to refer to habits of life, and to a condition of society, which have long since disappeared: they prescribe a course of studies for students of all ages, which the experience of a later age has rejected as unsuited for their preparation for the business of life: they recognise a system of physical and metaphysical philosophy, which the progress of knowledge, or the changes of opinion, have pronounced to be false or inadequate; they enforce, with peculiar strictness and earnestness, a most laborious series of scholastic exercises, which however well calculated to stimulate the exertions and faculties of those who partook in them, have become useless or inoperative, in consequence of the universal neglect, and even contempt (whether just or unjust), with which they have long been regarded: and they inculcate and require submission to a system of discipline, which the refinements of modern life would reject as impracticable, from its puerile character, or its extreme and oppressive severity.

The process of change, by which we have passed from the conditions of manners, opinions, and knowledge, which the ancient statutes contemplated, to those which prevail in modern times, has been so gradual, as to be nearly insensible to contemporary observation, and to present no point or period of transition sufficiently marked and considerable to call the attention of those who were subjected to their enactments very suddenly or forcibly

¹ The observation in the text is applicable to the statutes of nearly every college, and of all the older professorships (founded before 1700) of the university: it might be very safely extended to the statutes of every ancient hospital, and of nearly every ecclesiastical corporation in the kingdom.

to the great separation which time had effected between the written law and practice of the university. It will be found, however, that those provisions of the statutes which affected the personal rights of members of the same society, were generally enforced by the vigilant observation of those who had a direct or indirect interest in the penalties attached to their violation¹; whilst the most solemn injunctions which are addressed to their consciences merely, and not to their personal interests or fears, have been in many cases either entirely disregarded, or their observation has been disguised under some unmeaning form and ceremony, which satisfied the letter, whilst it totally violated the spirit, of the law².

This systematic neglect of statutes which did not affect personal rights, or involve an immediate personal responsibility, is not of modern date; the statutes of Elizabeth, as we have already seen, were violated in several most important particulars from the period of their first promulgation. In 1580, graces were passed for associating doctors of all faculties with the heads of houses in the nomination of the vice-chancellor, and to compel

¹ Such are the statutable conditions which regard the taking holy orders, the proceeding to superior degrees, or the possession of benefices or property, (unless mitigated in the last case by the interpretation or decision of the visitor, or a court of justice,) the violation of which would lead to the forfeiture of fellowships: similarly, likewise, with respect to those rights which regarded the claim to fellowships or scholarships, the succession to chambers, offices, or livings, or to the distribution of the collegiate revenues. The observation of these statutes, in all colleges, may be considered as constituting the great basis of the law by which they are now practically governed.

² It is, unfortunately, very easy to illustrate the truth of this observation, both as regards the statutes of the university and of individual colleges,

offensive and injurious as it may appear to be: but such a result has invariably followed every attempt to arrest the natural progress of legislation, by enactments which were incapable of change or of adaptation to the varying circumstances of human affairs: it will rarely happen that possible and impossible laws can be placed in juxtaposition with each other, without being drawn by a natural and almost inevitable licence of interpretation into one common category, and treated with common indifference and neglect; and it will generally be found that those ancient statutes have been most openly and most outrageously violated which have been most remarkable for their strictness and severity, and implicit and unvarying obedience to which has been attempted to be secured by oaths of the most awful solemnity.

³ *Stat. Acad.* p. 356.

the heads of houses to take their regular turns for preaching at St. Mary's, which were held to be *null* and *void*, as being in direct violation of the unalterable statutes. In the same year, a grace is passed, which charges the masters of arts without violating their oaths of creation, by neglecting the regular course of philosophical disputations. In the year 1602, a detailed statement was sent to Dr. Whitgift, archbishop of Canterbury, of "Disorders tending to the decay of learning, and other dissolute behaviour¹," which is full of charges of gross violations of the statutes. The injunctions which were addressed to the university by James I.², Charles I.³, and Charles II.⁴, were

¹ Amongst other complaints forwarded to him, are the following:—

"It is required by the statutes, that the lecturers of the several schools (the Barnaby lecturers and others) should read four times a week in term: some of them read not four times in the year, as it is said."

"It is required by the statute, that the deans of the several colleges should send the scholars of their several houses to the lectures of the common schools, and should appoint monitors to note such as are absent: this is not done."

"It is required by the statute, that the scholars should have and wear gownes, cappes, and hoods, according to their degrees, and to this statute every graduate is sworn: but this statute is generally neglected, and the scholars go now in silks and velvets, liker to courtiers than to scholars."

"It is required by statute, that scholars should use only the Latin tongue in schools, colleges, and public assemblies, which is now altogether neglected."

"It is required by statute, that every scholar, graduate, and others, should have their names in the buttery book and common, and lye within the college: it is reported that divers lye in inns and other houses in the town, and there take their commons; a thing

heretofore thought to be very intolerable."

"The admitting of men to degrees, so directly contrary to the orders and statutes, is very scandalous to the university, and a disgrace to learning and to learned graduates."

"The negligence, dissoluteness, and roguishness of some tutors, is the undoing of many youths, both in learning and manners."

"The cause of these and many other disorders, is the negligence of the heads and officers, in whom the execution of the laws doth wholly consist, and the way to remedy the same is to force them to look better to their government, or to remove them."

It does not appear that any steps were taken by the archbishop to reform these abuses. He was now drawing towards the close of his life and labours, when the harsher features of his character had been softened by time and experience, and when he was no longer disposed to adopt the stern and decided measures for enforcing the law and the queen's commands, which had formerly characterized his academical and ecclesiastical administration.

² In the year 1616. *Stat. Acad.* p. 282.

³ In the year 1629. *Ibid.* p. 288.

⁴ In the year 1676. *Ibid.* p. 302.

founded upon similar complaints of the relaxation of discipline, and of the neglect of the ancient statutes, which were made to them. The spirit of resistance to the discipline and government of the church, which prevailed so generally at the beginning of the reign of Elizabeth, and which her vigilant and severe administration had with difficulty kept under, assumed a much more violent and less controllable form in the reigns of her less wise, or less fortunate, successors: and, as might have been expected, the same feelings and principles were communicated, by a natural sympathy, to a considerable party in the university, and tended to produce the neglect of the observation of the academical and college statutes, which were so closely interwoven with the doctrines and constitution of the church. It was with a view to correct the irregularities which had arisen from these and other causes, that Archbishop Laud proposed and obtained from the king authority to visit the universities archiepiscopally; but his purposes were frustrated by the troubles which followed, and which ended in the common destruction of the church and the monarchy¹.

¹ This was in 1636 and 1637. A curious, and probably somewhat exaggerated, statement of "common disorders of the university, and of special disorders in the church (St. Mary's) and chapels," had been forwarded to him, either by Dr. Cosins of Peterhouse, or by his chaplain Dr. Sterne, of Jesus. It is endorsed by Laud, "to be considered in my visitation. Sept. 23, 1636." The following are extracts from it:—

"Fellows of colleges (when of the degree of M.A.) and fellow commoners, take themselves generally to have a privilege to miss prayers, as well as the public table of the hall. From hence it comes to pass, that so many of that ranke are to be founde at those times, either in taverns and towne-houses, or at some other pleasant employments, where they please."

"The clerical habit appointed for

students here is generally neglected, unless it be in King's College only, where they retain the ancient manner, both for colour and fashion, with the use of square caps from their first entrance. At Trinitie, and other wiles at Caius, they keep your order for the wide-sleeve gowns, and for your caps too, when they list to put any on. And others, all that are under-graduates, wear the new-fashioned gowns of any colour whatever, blew or green, or red or mixt, without any uniformity but in hanging sleeves. And the other garments are light and gay. Some with boots and spurs, others with stockings of diverse colours reversed one upon another, and round rustic caps they wear (if they wear any at all), that they may be the sooner despised, though the fashion was here of old time, *Pileus quadratus*, as appears by retaining that custom still in

The views which were entertained of the rights of corporations, in the reigns of Elizabeth and of her successors of the

King's College, in Trinity, and Caius, whose governors were heretofore more observant of old usages than it seems others were. But in all places, among graduates and priests also, as well as the younger students, we have fair roses upon the shoe, long frizled hair upon the head, broad spread bands upon the shoulders, and large merchant's ruffs about the neck, with fair and feminine cuffs at the wrist. Nay, although *camisia circa collum rugata* be expressly forbidden by the statutes of the university, yet we use them without controul. Some of the heads and all, to the laudable example of others."

"At the public meetings in the schools, even at disputations and lectures in divinity, there is no place or order kept by the auditors. All come, and run, and heape together in a confusion, most of them without any habit, enjoined by statute, and at the regent-house at congregations there is little better order kept."

"Upon Fridays and all fasting-days, the victualling-houses prepare flesh-meat good store, for all scholars and others; upon these days they have the greatest gain, for which they pay a mulct to the proctors, and have their freedom; upon all such fasting-nights, in scholler's chambers, there are generally the best suppers of the whole week, and for the most part flesh-meat all. We know not what fasting is. This we know, that then the custom is for the pupils to goe to their tutors, for supper-money, to spend in the town, and that the tutors do commonly allow them twice as much for a fasting-night as the college commons do any night of the week beside."

"Before our sermons (at St. Mary's) the form of bidding prayers appointed

by the injunctions and canons, is not only neglected, but by most men also mostly opposed and disliked. Instead thereof, we have such private fancies and several prayers of every man's own making (and sometime sudden conceiving too) vented amongst us, that besides the absurdity of the language directed to God himself, our young scholars are thereby taught to prefer the private spirit before the publick, and their own invented and unapproved prayers before all the Liturgy of the Church. A while one of them praying for the Queen (*Henrietta Maria*), added very abruptly, 'And why do the people imagine a vain thing; Lord thou knowest there is but one Religion, one Baptism, one Lord. How can there then be two faiths?' After praying for Hilkiah the high priest, and Shaphan the treasurer, and Azariah the king's squire, &c., presently he added, 'And whosoever, Lord, shall mistrust Providence, yet let not the great men, upon whose arms kings do lean, contemn Elisha's sermons;' which being questioned by some of us, was defended by other some, for a most Godly, religious, and learned prayer. To such liberty are we come, for want of being confined to a strict form."

"The other town churches (whereunto schollers do also frequently repair) are so much out of order, that little is learned there but irreverence and disobedience to sacred performances."

"In Trinity College they have been long noted to be negligent of the chapel, and of the prayers in it; the best come but seldom, and by their example the rest make small account of service. In some tutor's chambers (who have three or four score pupils),

House of Stuart, tended not a little to produce, and to perpetuate, this feeling of indifference to statutable obligations: considering

the private prayers are longer and louder by far at night than they are at chapel in the evening. Some fellows are there, who scarce see the inside of the chapel thrice in a year, nor public hall, nor St. Mary's Church, and (they say) impugn all. A quire is there founded for Sundays and holydays, but the quiremen are so negligent and unskilful, that, unless it be an anthem, they often sing the hymns no otherwise than in the common psalterie tune. And to mend the matter, they have divers *dry* choristers (as they call them), such as never could and never meane to sing a note, and yet enjoy, and are put in to take the benefit of those places professedly. They have a large chapel, and yet the boyes rows of pews are placed just in the middle of the chapel, before and behind the Communion-table, which some there are about to reform. They lean, or sit, or kneele at prayers, every one in a several posture as he pleases. At the name of Jesus few will bow, and when the creed is repeated, many of the boyes, by some men's directions, turn towards the west door. Their surplices and song-books, and other furniture for divine service, is very mean. The cloth that lies upon the table not worth 14d. He that executes, steps over the exhortation and begins, 'Wherefore I pray and beseech you,' &c. They use no Litany for the most part, but in Lent only, and in Lent only upon Sundays, and when they say it, it is at the Communion-table. They repeat not the Creed after the Gospel, and instead of the *Magnificat* and the *Nunc Dimittis*, they will at pleasure (sometimes when the quiremen are present) sing the 23rd or some other riming Psalm."

"A common report there goes (and not without probability), that here both fellow's, and scholar's, and officer's places are sold. They have lately taken advice, and are about mending their chapel, if it holds."

"In King's College, some of the quiremen cannot sing, and are diverse of them very negligent. The choristers are more than half of them *mutes*, and when they list they come to service with surplices, and when they list not they come without. They commonly post over the service, and perform it with little reverence. Their choristers make no preparation, and their song-books are very rude and tattered. This for their Quire service."

"At the college morning prayers, to which the fellows and schollers only come, (for evening prayer they have none for them,) there is but one Lesson read, and if it be a Sermon or a common-place day, (which in terme time is observed twice a week,) they have no Lesson read at all. They talk here of buying places too, but certainly their provost is a very free and uncorrupt man that way."

"In Caius College, any one that is not in holy orders may execute and read or sing the service." (Many other examples of irregularity and irreverence are there mentioned, particularly in the administration of the sacrament.)

"In Emanuel College, their chapel is not consecrate. At surplice prayers they sing nothing but riming psalms of their own appointment, instead of the hymns between the lessons. And lessons they read not, after the order appointed in the calendar, but after another continued course of their own.

their existence and privileges as little more than the mere creatures of the pleasure of the crown, they did not scruple to interfere or dispense with the laws by which they were governed, and nowhere more frequently and injuriously than in the universities. Though the elections to masterships, fellowships, and other offices,

All service is there done and performed (psalms and hymns and all, if they read any,) by the minister alone. The students are not brought up and accustomed to answer any verse at all. Before prayers begin, the boys come in and sit down, and put on, and talk aloud of what they list. Their seats are placed round about and above the Communion-table. When they preach or common place, they omit all service after the first or second lesson at the farthest. Many of the scholars live and lodge in the town-houses, and from thence they come through the street with surplices upon them to chapel, and in night time have opportunities to go abroad, and be where they please. The cause hereof is, for that they admit many more than the college can hold. On Sundays there is no Litany."

Emanuel College had been founded in 1584 by Sir Walter Mildmay, as a nursery for the Puritan party, and was the chief refuge of the favourers of their principles during the first half of the seventeenth century: the number of students, who in consequence resorted to it, was greater than in any other college in the university. It is a singular circumstance, that out of twelve masters of colleges who were removed by the parliamentary commissioners for refusing the Solemn League and Covenant, seven of their number were replaced by members of Emanuel College. The same college has, in later times, been as much distinguished for its zealous support of the principles of the Church, as it was

formerly notorious for its neglect of or opposition to them.

The various unstatutable practices and irregularities in the administration of the university and in the public services of religion, which the preceding extracts recount, would seem fully to justify a most searching visitation with a view to their correction and amendment. A serious question arose, however, with respect to the possession of the right of visitation. The archbishop claimed it as the inherent right of his see to visit every portion of his province, and appealed to the visitations of the university which had been held by his predecessors, Archbishop Arundel in 1401, and Cardinal Pole in 1557. The university replied, that these visitations were held by virtue of the *legatine* character which they possessed, and which the latter of them expressly pleaded; that the popes in ancient times had distinctly freed the university from all diocesan and external ecclesiastical jurisdiction, conferring upon the chancellor an independent ecclesiastical jurisdiction of his own; and lastly, that the crown, as comprehending all the visitatorial powers which the popes had exercised, in addition to those which were inherent in the supreme head of the state, was the proper and the only visitor of the university. The archbishop does not appear to have been convinced by these reasonings; and the controversy was terminated by the Royal Letters of Charles I., empowering him to visit the university.

were strictly regulated by statute, and though the electors were bound by the most solemn injunctions to discharge their duty statutably and conscientiously, yet it generally happened, whenever the appointment was important, that the royal pleasure designated the individual to be chosen, though it did not dispense with the forms and the obligations which the statutes enjoined¹. During the ten years (from 1567 to 1577) that Whitgift was master of Trinity College, and in full possession of the favour of Lord Burleigh and the queen, nearly every head of a house, and nearly every considerable officer in the university, was appointed upon his suggestion and nomination. The chancellor of the university is directed to be chosen freely by the members of the senate; but from the period of the Reformation to that of the Revolution, the interregnum of the Commonwealth excepted, he was in every instance nominated by the crown. If a candidate for a fellowship could bespeak the favour of a courtier, and through him of the sovereign or minister, the royal command, which almost invariably followed, superseded the choice of the electors and the injunctions of the statutes². One consequence

¹ STRYFE's *Life of Whitgift*, book i. *passim*.

² The records of every college, and more particularly those of Trinity College, which was especially selected as a royal foundation, present examples of such nominations. Lord Burleigh, though a true friend and patron of the university, and though he had promised to use his influence to prevent such interferences, was generally the medium through which they were made. In 1587, the queen had nominated, or rather recommended, a person for a fellowship at Peterhouse to Dr. Perne, who, in the following remonstrance to Lord Burleigh, expresses, in very strong terms, the injurious consequences which such nominations produced: "and both I and the whole university do most heartily pray you to be a means to her majesty that our free elections be not taken

away from us to the discouragement of good scholars, and great hinderance of good learning in the university, as your honour's wisdom doth well know, and have made a most godly and necessary suit to her majesty before this time, and her majesty hath graciously favoured the same, as your honour did write most lovingly to the university. Nevertheless sith that time there hath been more mandatumis and dispensations of our statutes, to the great discouragement of learning, than were before, as yourself doth well know." These royal nominations were not, however, always confined to the disposal of the preferments of the university, but sometimes extended to the surrender or leasing of manors and estates to the queen, or to court favourites; such applications, however, were not always successful: the provost and fellows of King's College

of these frequent interferences with the regular operation of the statutes, was the adoption of a system of *pre-elections*, as a means of evading such irregular applications, by enabling the electors to plead the non-existence of vacancies¹. But the general results, both of nominations and pre-elections, were almost equally destructive of the best interests of the university: for the fellowships were thus filled by men who had no claims from their attainments, and whose irregular promotion was not calculated to make them respect such claims in others; whilst the students were deprived of those advantages which are derived from a proper supply of able and competent instructors and of upright and impartial examiners, as well as of those motives for exertion which are furnished by the well-assured prospect of the just appreciation and regular reward of their labours.

Other causes were, however, gradually coming into operation, which, though ultimately destined to regenerate the studies of the university, were in the first instance calculated to increase the statutable anarchy, which changes of the habits of life, and the frequent abuses of the royal authority, had contributed so greatly to produce. The works of Bacon had sown the seeds of a great revolution of opinion in the minds of men with respect to the whole scheme of the philosophy of Aristotle and of the schoolmen, more especially when considered as an instrument for the investi-

sturdily refused to surrender the lease of the manor of Sampford Courtenay to the queen, notwithstanding the most pressing requests which were addressed to them by Burleigh.

¹ So frequent had these mandates become towards the close of the reign of Charles II., that the Hon. John North, who was master of Trinity College, systematically *pre-elected* (with the view of evading demands which he durst not disobey), the most distinguished students of successive years to succeed to the vacancies as they arose. (NORTH'S *Lives*, p. 274.) Every fellowship, in the reign of James II., was filled by his mandatory

letters, and pre-elections by the college were forbidden, as interfering with the free exercise of the royal prerogative. This infatuated monarch was encouraged by the slavish opinions avowed by many eminent divines in those days, to make the universities the subjects of his first experiments of the practicability of his schemes for the introduction of popery. The history of his failure, and its consequences, is well known. Trinity College experienced the natural effects of this perversion of its statutable constitution; it declined rapidly during the latter years of the seventeenth century, both in numbers and reputation.

gation and discovery of truth; whilst the progress of the physical sciences, long before Newton had established the true bases of mechanical philosophy and of the great laws which govern the system of the universe, had already discredited those physical theories which in preceding ages had been received with such implicit and unhesitating faith¹. The physics of Aristotle were

¹ The duties of the Sedleian professor of natural philosophy in the University of Oxford, as described in the Laudian Statutes of 1634, will sufficiently express the views entertained in our universities, in those days, of the proper sources of our physical knowledge. "Legat Prælector Naturalis Philosophiæ Aristotelis Physica, aut libros de Cœlo et Mundo, aut de Meteoris, aut ejusdem Parva Naturalia, aut libros de Animâ, necnon libros de Generatione et Corruptione bis in qualibet septimanâ." The more enlightened views which influenced Sir Henry Savile in defining the duties of his professors, at an earlier period (1619), would appear to have been overlooked, or not appreciated. (*Stat. Acad. Oxoniensis*, p. 15, and *Appendix*, p. 28.)

The early part of the seventeenth century may be considered as the culminating period of the influence of Aristotle and his philosophy: great and undisputed as his authority was considered from the age of Albertus Magnus and Thomas Aquinas, yet the jealousy of the Romish church had forbidden from time to time the study of various parts of his writings, and more particularly of his ethics, as dangerous to the faith—a feeling of distrust and suspicion which had been transmitted from some of the early Greek fathers: but all such interdicts had long been removed, and the maintenance of many of his physical principles had become more or less intimately associated with the defence of some of

the most awful mysteries of religion. (See Launoy's curious treatise, *De variâ Aristotelis in Academiâ Parisiensi fortunâ*, and more particularly the decree of the Sorbonne against some of the impugnors of his philosophy, in 1624.) The statutes of the university of Oxford, above referred to, form the most elaborate testimony to the unbounded reverence paid to his name in every department of knowledge and philosophy.

The decline of his authority from this period was extremely rapid, and before the end of the seventeenth century it was depressed below the permanent rank which a more calm and unprejudiced consideration of his merits has subsequently assigned to him. Attacks upon his dialectical and physical writings became frequent before the year 1650: and the *Examination of Academies*, by Joab Webster, in 1654, which is an attack upon the *matter, method, and customs of academic and scholastic learning*, shows, amidst some absurdities, that the author very fully appreciated the object and character of the labours of Bacon, and that he was well acquainted with the discoveries in astronomy and physical science, which were due to Copernicus, Galileo, Kepler, Tycho Brahe, and others. His work was answered by Bishop Wilkins and Seth Ward, two of that distinguished body of philosophers who associated together at Oxford during the later years of the Commonwealth, but who were too much disposed to ascribe to the universities

gradually replaced by a popular exposition of philosophy of Descartes¹, which gave way, towards the close of the century, to the principles developed in that wonderful work, which will ever be regarded as the greatest single triumph of the human mind.

The decline and fall of the authority of Aristotle was almost necessarily followed by the abandonment of those dialectical and philosophical studies which the statutes had almost exclusively contemplated. The revolution which had taken place in public opinion was complete and fundamental, and no attempt would appear henceforward to have been made to reconcile the new order of things with the observation of the statutes. The problems of Aristotle were replaced in the schools by questions in moral and natural philosophy, and the system of the university continued to verge more and more to the nearly exclusive pursuit of mathematics and natural philosophy. But the course of study which thus sprung up, as it were spontaneously, was sanctioned by no academical legislation; and during the first seventy years of the eighteenth century, we cannot discover a single bye-law or grace in our statute-book, which either regulates or authorizes the new system which had thus arisen². The examinations of the question-

in which they lived, some portion of those enlarged and philosophical views which were nearly confined to themselves: their indignant denial of the authority of the physical theories of Aristotle, coming from such a quarter, and in answer to such a charge, was an unequivocal indication of the speedy approach of some great revolution in the opinions of the philosophical world.

¹ ROHAULT'S *Physics* had been a text-book in the university for a considerable period: a translation of it was published in 1697, with references to the *Principia* of Newton, by the well-known Dr. Samuel Clarke; it was republished in 1702, with copious notes from the same source. See a very interesting notice by Professor Whewell, in the second volume of the

Museum Criticum, p. 514, of the first introduction and progress of the study of the Newtonian philosophy in Cambridge, in answer to some very erroneous statements of Professor Playfair, in his *Dissertation on the History of the Mathematical and Physical Sciences*.

² There is no period of our academical history which presents so melancholy a blank as the first sixty or seventy years of this century. The old learning and system of studies of the university were abandoned, without being regularly replaced by a new and well-organized course; the changes in the habits of life, and the increased age of the great body of the students, made the ancient and statutable practice of *chumming*, or of two or more persons living in the same chamber, inconve-

ists, which in ancient times had been considered as subordinate in importance to the series of scholastic exercises which were required for the complete degree of bachelor of arts, appeared gradually to have acquired a well-organized form, though still disturbed by the somewhat irregular though statutable intrusion of regent masters of arts¹. Towards the middle of the century, the Tripos lists, which had formerly attracted no great degree of attention, as not being unequivocal testimonials of proficiency, began to assume a prominent character, in consequence of the total abandonment of the quadragesimal and other statutable exercises, and the consequent expediency of making the selections from those candidates who had most distinguished themselves in the only regular and systematic trial to which the questionists were subjected; and the public attention which was thus attracted to those authorized certificates of honour, and the spirit of emulation which they began to excite amongst the whole body of the students, not only determined the character of the studies of the university, but led to the adoption of a series of bye-laws for the more efficient conduct of such examinations, which constitutes

nient or unsuitable, and consequently led to increased expenses, and thus contributed to thin the population of the university. The political divisions, likewise, of the members of the university, one party favouring the exiled, and the other the reigning family, as well as the exclusive favour with which the latter were regarded, without reference to personal merit or literary attainments, checked and discouraged that spirit of exertion which invariably follows the exercise and distribution of a just and liberal patronage. The corruption which had characterized and disgraced the government of the last century, and which had filled the colleges with fellows, who were neither distinguished by learning nor high principle, exerted a paralyzing influence upon those who might otherwise have been either disposed or able to restore the fallen studies

and degraded character of the universities; whilst the extraordinary man, whose prominent station, great talents, and unrivalled learning so well qualified him to take the lead in the important and necessary work of academical reform, became a real curse to the university and to the great college over which he presided, by his oppressive and dishonest administration, and by the violent quarrels and divisions which his misconduct occasioned. The history of literature presents few pictures more melancholy or disheartening, or more vividly represented, than the *Life of Bentley*, by the Bishop of Gloucester and Bristol.

¹ All regent masters of arts were authorized to assist the proctors and moderators (posers) in the examination of the questionists. This custom has not been abandoned for more than fifty years."

the most important and the most valuable part of the existing system of our academical law¹.

This ultimate improvement, however, of the university examinations was preceded and greatly influenced by very important changes in the domestic education and examinations of some of the principal colleges. Dr. Powell, who was master of St. John's College from 1765 to 1775, introduced annual examinations of the students of his own society, which, being carefully and impartially conducted, rapidly raised its credit and numbers to the first rank in the university; and it was partly with a view to secure to the members of the university the advantages which were at that time peculiar to a single college, and partly with a view to the removal of some mischievous anomalies², that the well-known Dr. Jebb proposed, in 1773, the establishment of annual examinations in the classical languages, logic, mathematics and natural philosophy. These proposals were finally submitted to the senate, upon the report and recommendation of a syndicate on the 19th of April, 1774, and were rejected by a small majority³. But

¹ The earliest Tripos list which appears in the *Cambridge Calendar* is for the year 1753; till that time the Wranglers and Senior Optimes were not separated from each other; this separation was first made in the year 1753: it is difficult, however, to vouch for the integrity of these earlier Tripos lists, as the proctors had not altogether abandoned their privilege of making the selection at their pleasure.

The year 1752 is memorable for the institution of two classical medals, by the chancellor, the Duke of Newcastle, which for more than seventy years formed, with the university scholarships (prizes until later years of very irregular recurrence) and Browne's medals (established in 1775) the only public rewards which were offered by the university for the encouragement of classical learning.

² The exemption of noblemen and fellow-commoners from the exercises in the schools and the public examina-

tion for degrees. The present Lord Abinger, who was a very distinguished student, was the first fellow-commoner who, in later times, appeared in the public schools.

³ The propositions were embodied in nineteen resolutions; those from 1 to 6 inclusive relating to noblemen and fellow-commoners; from 7 to 11 to the appointment and duty of examiners, and from 12 to 19 to the subjects of the examination and the mode of conducting it. For the first series of resolutions the *placets* (in the non-regent house) were forty-three, the *non placets* forty-seven; for the second series, the numbers were forty-one and forty-eight; and for the third, thirty-eight and forty-nine. The principal opponents of these improvements were Dr. Powell, Dr. Farmer, and Dr. Hallifax; but the prejudices which existed against Mr. Jebb's religious opinions were extended in some measure to the

though the university was thus deprived of a system of annual examinations, and consequently likewise of a system of instruction, which would have been common to the whole body of its students, yet the agitation and discussion of these important questions secured increased attention to practical improvements in the existing lectures and examinations. Irregularities which had occurred in the elections of fellows in the largest of our colleges were checked, and for ever afterwards discontinued, by the spirited remonstrances of some of the junior fellows, who had partaken of the spirit of improvement which was pervading the university¹; and the noble example which that great society has ever since exhibited of strict impartiality and critical accuracy in the conduct of its examinations, as well as the comprehensive character of the subjects which they embrace, has eminently tended to elevate the standard of the intellectual and moral character of its members, and to make the influence of its example and its principles felt and appreciated throughout the university.

In the course of the present century, the system of our academical studies and examinations has been subjected to repeated revisions, and every part of it has been defined by graces of the senate. Omitting all discussion of the particular provisions of these graces, which we shall have occasion to notice hereafter, we are led by the course of the preceding observations to consider the relation which they bear to the ancient statutes of the university. They repeal some and authorize the neglect of many others of the Elizabethan statutes, and the question which thence arises is, whether they are not so far *ipso facto* null and void in conformity with a distinct provision of that code². If the whole amount of our

scheme which he promoted so earnestly. There is little doubt but that the adoption of these resolutions would have tended to introduce greater uniformity into the studies of the university than at present exists, and would have given greater developement to a more general and professional system of teaching than is compatible with the co-existence of the distinct and nearly independent systems of so many colleges.

See JEBB'S *Works*, vol. i. p. 65, and vol. iii. p. 259.

¹ MONK'S *Life of Bentley*, chap. xx. p. 667. The annual examinations were established in 1790, in the mastership of Dr. Postlethwaite.

² *Statuta omnia compositiones et consuetudines quæ scripturis sacris institutis nostris aut ISTIS STATUTIS adversari videbuntur abrogata et rescissa sunt* reliquis suo robore permansuris (*Stat.* 12

violations of the statutes were confined to the positive enactments of our modern legislation, then it would be an inquiry of no inconsiderable interest and importance to ascertain their legality and illegality, as well as the precise limits generally of the powers of the senate in the passing of bye-laws, which affect, or appear to affect, the Elizabethan Code. But there are so few fragments of those statutes, beyond those which affect the personal rights of individuals or of classes, which are even pretended to be observed, that, whatever may be the result of such an inquiry, the substantial fact will remain established, of the great separation which exists between the written and obligatory law and the actual practice of the university.

Within the memory and experience of many members of the university, attempts still continued to be made to preserve the forms at least of the principal exercises which the statutes prescribed, though their substance and proper import had altogether disappeared; and even within a very late period some of the exercises in the public schools were superintended and prepared with care and attention, and were not altogether unattended with some useful results: but the very appropriate term *huddling* not unhappily expressed the indecent accumulation of the laborious and long continued series of exercises which the candidates for the degrees of bachelor and master of arts were anciently required to perform. In later times, however, all such practices have been abandoned, it being very properly considered that the preservation of such idle and frivolous forms *juramenti gratiâ* was no palliation of the rashness with which academical oaths were administered and taken, but rather a dangerous and offensive mockery of their real meaning and obligation¹.

Eliz. cap. 50.) The prohibition of dispensations in the twenty-first statute refers entirely to graces for degrees, and not to graces which were to possess permanently the character of new statutes.

¹ In the application of *cant terms* to academical or other observances, the feelings of disrespect which are associated, whether as a cause or a conse-

quence, with the familiar use of the phrase, are generally transferred to the acts or things which are designated. The term *huddling*, referred to in the text, furnishes a good instance of the connexion of phrases and things, and the same principle might be easily and very fully illustrated by other examples furnished by our academical phraseology.

A similar irreverent use of language expressed, in the university of Oxford, before the new statutes were introduced in 1800, the real disguise of a substantial neglect of the Laudian statutes, under the observation of forms and exercises, which had altogether lost their proper object and use; the *disputationes in Parviso* were called *doing generals*, and consisting in the repetition of strings of syllogisms handed down from generation to generation, of whose meaning and object, both respondent and opponent were equally ignorant. The senior soph, who entered the schools once a term, to propose a syllogism, *juramenti gratiâ*, or to satisfy the letter of the statute, was said to *do his juraments*:

the *disputationes apud Augustinenses*, and the *disputationes quodlibeticæ*, exercises formerly of very serious importance and difficulty, which every bachelor of arts was required to perform, as preparatory to his master's degree, were called *doing Austins* and *doing quodlibets*; whilst the *sex solennes lectiones*, three on natural and three on moral philosophy, which he was required to deliver in the schools, were called *wall lectures*, a term which needs no explanation. The general adoption of such a system of phrases to designate such exercises, would furnish a strong presumptive proof, without any additional evidence, of the contempt with which they were commonly regarded.

CHAPTER II.

ON ACADEMICAL OATHS AND FORMULÆ.

IF the observation of the statutes of the university imposed no obligation upon its members beyond the restraint of a positive law enforced by positive penalties, we might dismiss from our minds the anxious and scrupulous consideration of all those enactments which time or circumstances have made obsolete or inoperative; but a careful examination of the oaths which those statutes exact, and which continue to be taken, and of the formulæ which continue to be used, in different academical proceedings, will sufficiently show that they not only recognise the authority of the statutes, but require from those who take or use them an extent of obedience, which can only be lightly regarded when it is imperfectly understood. It is proposed, therefore, in the present chapter, to notice, in some detail, the oaths, declarations, and formulæ which are exacted and used both in the university and in the colleges, with a view of showing how dangerous, and, in some cases, how impracticable, are the conditions of the obedience which they enjoin, and how very objectionable in form and substance are some of the assertions which they make.

A most accurate and learned historical analysis of the origin of our academical oaths and subscriptions, and of the power possessed by the senate to abolish or modify them, has been given by the master of Pembroke College, Dr. Ainslie, whose great knowledge of the antiquities and constitution of the university so well qualified him for the task¹. In the following observations, we shall

¹ "An historical account of the Oaths and Subscriptions required in the University of Cambridge on matriculation, and of all persons who proceed to the degree of Master of Arts." Cambridge, 1833. The university is indebted to Dr. Ainslie for proposing the change of the oaths at matriculation and on taking the degree of bachelor of arts, into equivalent affirmations, under the

authority of the Duke of Richmond's bill: and we feel convinced that this first step in a most necessary reform of our academical oaths, will be remembered as not one of the least of his many claims upon the gratitude of the university, for his able and vigilant administration of its affairs during the two years that he filled the office of vicechancellor.

abstain from repeating the facts which he has collected with so much care, and arranged with so much clearness, except so far as the re-statement of them may be necessary for the purpose which we have in view; we shall in fact require little more than the mere transcription of the most important oaths and formulæ, with the addition of such an explanation of their meaning as may be requisite to show their relation to the statutes or to the actual practice of the university.

The following oath of matriculation, which underwent no essential change in form or substance for more than three hundred years¹, has lately been converted into an equivalent affirmation.

“Cancellario procancellarioque Academiæ Cantabrigiensis, quatenus jus fasque est et pro ordine in quo fuerim, quamdiu in hac republica degam comiter obtemperabo; *leges, statuta, mores approbatos et privilegia* Cantabrigiensis Academiæ, quantum in me est, observabo, pietatis et bonarum literarum progressum et hujus academiæ statum et dignitatem tuebor, quoad vivam, meoque suffragio atque consilio rogatus et non rogatus defendam.

“Ita me Deus adjuvet et sancta Dei Evangelia.” The imprecatory clause is now replaced by *Ita affirmo et do fidem*.

It seems unreasonable to exact from a youth, at his very first access to the university, when he is necessarily ignorant, not merely of its statutes, but even of its most ordinary regulations and customs, any declaration, beyond a general promise of obedience to its rules and discipline and of submission to such penalties (expulsion being the extreme) as may be imposed upon him for offences against them. But the oath or affirmation above given requires the promise of the observation of statutes, many of whose provisions are obsolete or impracticable, and all of which are unknown to him; it further demands a profession of unalterable attachment to the university, and a promise to defend it

¹ ¹ *Stat. Ant.* 50. Dr. Ainslie's *Historical Account*, p. 5. The statute refers to the election of the chancellor as well as to the oath of the scholar *in primo suo adventu*. This was one of those statutes which was enacted with the condition of not being repealed with-

out the *unanimous* consent of the regents and non-regents, and which could be prevented, therefore, by the opposition of one or two members of the senate. No express reference is made to this or other oaths in the statutes of Elizabeth.

under all circumstances, before he has received any benefits which may call into existence such a deep and lasting feeling of gratitude, and before he has acquired such a knowledge of its merits, as may justify his advocacy. It would appear to be a wiser course to trust, in this and similar cases, to the certain operation of those causes which generally influence or determine the affections and the gratitude of mankind, and more especially to those associations, which are connected in the mind of a student, with innumerable recollections of social and intellectual pleasures and of affectionate and abiding friendships, which rarely fail to attach him to the place of his education.

Matriculation oaths have sometimes been defended upon the principle that the very solemnity of the engagement which is thus taken by a student at the commencement of his academical life, a period so full of important consequences to his fortune and character, is calculated to exercise a sanctifying influence upon the whole current of his thoughts and feelings, and to exalt the sense of his responsibility to God for the due employment of his time and opportunities. But it may fairly be asked, whether the production of such an impression upon a mind thus happily disposed might not be safely intrusted to the operation of the more solemn religious services of our church, and to those feelings of deep responsibility which they are so well calculated to call forth; whilst the certain neglect or violation of many of the engagements which such oaths impose, by a great majority of students, has a tendency to diminish, in all such cases, the just reverence with which they should always be regarded¹.

¹ Such is the opinion expressed by Mr. Tyler in his excellent work on oaths. "I cannot reconcile myself," speaking of the Oxford matriculation oath, "to the matriculation oath: it is, I fear, not unfrequently a snare for the consciences of the young. I can speak from experience, that the administration of this oath has often a mischievous effect; unfairly distressing the consciences of some, and diminishing in others, the general reverence for an

oath. The *επινομις*, or interpretation of the oath, is not read by one in a hundred of those who take the oath; and, were it read by all, it would be of little or no service. It leaves the oath very much as it would be without it. What, for example, can be more indefinite than to say, that those who offend against the statutes are not guilty of perjury, if they submit to the penalty, and if there be no gross and obstinate negligence? Who is to draw the line

The following is the ancient oath taken by every person admitted to a degree. The senior proctor reads it.

“Jurabis quod nihil ex iis omnibus sciens volens prætermisisti, quæ per leges aut probatas consuetudines hujus academici ad hunc gradum quem ambis adipiscendum, aut peragenda aut persolvenda requiruntur, nisi quatenus per gratiam ab academia concessam tecum dispensatum fuerit.

“Jurabis quod cancellario et procancellario nostro comiter obtemperabis et quod statuta nostra ordinationes et consuetudines approbatas observabis.

“Jurabis quod compositionem inter academiam et collegium Regale factam sciens volens non violabis: *et quod in Bibliothecam publicam et Musæum Honoratissimi Domini Vicecomitis Fitzwilliam admissus jure isto tuo ita uteris ut quantum in te est, nihil inde detrimenti capiat vel Bibliotheca vel Musæum prædictum: in hæc autem verba jurabis, secundum tenorem senatus-consulti in cautelam jurantium facti. Ita te Deus adjuvet et sancta Dei Evangelia*¹.”

In the first of the three clauses of this oath, the juror asserts

for a young man's conscience, where negligence *not gross*, ends, and where *gross negligence* ends?” TYLER *on Oaths*, p. 72.

¹ Dr. Ainslie's *Historical Account*, pp. 11 and 33; the substance of those portions of this oath which are not printed in Italics, are contained, (along with other conditions about maintaining the peace and honour of the university,) in the old statutes (*Stat. Ant.* 114 and 115); the clause about the public library was introduced in 1634; *Historical Account*, p. 58; the Fitzwilliam Museum was added in 1817. The *cautela* was one of the few acts of the reign of the Presbyterians in the university which was not obliterated from our statute-book at the restoration. It was enacted, on the 3rd of July, 1647, by the following grace:—

Placet vobis ut in majorem in posterum cautelam jurantium et levamen

hæc verba sint annexa juramenti academici matriculationis, admissionis, creationis.

“Senatus Cantabrigiæ decrevit et declaravit eos omnes qui monitionibus correctionibus mulctis et penis statutorum legum decretorum ordinationum injunctionum et laudabilium consuetudinum hujus academici transgressoribus quovis modo incumbentibus humiliter se submiserint nec esse nec habendos esse perjuri reos;” et ut hæc vestra concessio pro statuto habeatur et infra decem dies in libris procuratorum inscribatur.

This *cautela*, more comprehensive and indulgent than the long and wordy *εννωπις*, which is attached to the Oxford statutes, in alleviation of the oaths of that university, has been ever since attached to the oaths for matriculation, admission (to degrees) and creation. See *Historical Account*, p. 53.

that he has done and paid, whatever is required to be done and paid, preparatory to the degree which he is about to take, unless discharged from his obligation by an express dispensation granted by the university; in the second, that he will obey the chancellor or vicechancellor (readily and courteously) and that he will observe the statutes, regulations, and approved customs of the university; and in the third and last, that he will not violate the composition between the university and King's College; and that, if admitted to the Fitzwilliam Museum or public library, he will, to the best of his power, make such a use of his right, that neither the museum or library may thereby sustain any loss or injury; and he further declares, that he takes this oath in conformity with the grace of the senate passed for the caution and protection of jurors¹.

If we consider the first clause of this oath as referring to those *peragenda* and *persolvenda* which are required by the existing regulations of the university, as distinguished from those which are required by the statutes, it is, to use the mildest phrase, superfluous, inasmuch as the conditions to be satisfied, the acts to be done, and the payments to be made, are not assumed upon the faith of the juror, but upon the testimony of the authorities of his college as given in his *supplicat*, and of the books of the registry and the accounts of the proctors, which are subjected to a very careful examination; but if we refer the declaration to the statutable *peragenda* and *persolvenda*, as undoubtedly meant by those by whom it was framed and imposed, it would require the fulfilment of conditions, which few persons can be expected to understand, and which none would be able to perform.

The second clause requires the observation of the statutes, and involves, therefore, indirectly, the same conditions as the first; whilst obedience to the chancellor and vicechancellor (for they are always statutably referred to as the same person, not exercising

¹ In the case of bachelors of arts only, this oath is converted into an affirmation; the clauses also which are printed in Italics are in that case omitted, as Bachelors of Arts do not possess the privilege of admission to the Fitzwilliam Museum (unless introduced by a master of arts) and are only allowed the use of the library under the responsibility of their tutors.

concurrent, but the same authority,) may reasonably and consistently be required, in the execution of the laws, from all those persons who are sworn to obey them.

The portion of the oath which refers to the non-violation of the composition between King's College and University, a condition of very limited obligation and not very easily broken¹, is

¹ An ancient statute (*Stat. Ant.* 115) directs this oath to be exacted from every person admitted to any degree; and a similar oath is required by another statute (60) from every person admitted to any office in the university: it is not now included, however, in the usual oath of office administered in the university.

In App. A. p. vii. Note 1, we have endeavoured to show that this composition did not, in any respect whatever, authorize the claim of exemption from the ordinary exercises and examinations for the degree of B.A., which the scholars of King's College have enjoyed for so long a period. Since that note was printed, we have had an opportunity of examining, in HARE's *Collections*, the act of the university made in 1448, entitled "Concessio Universitatis, quod Collegium Regale sit a Jurisdictione suâ prorsus exemptum," which not only completely confirms, but greatly strengthens, the views which we have there expressed. Like the composition itself, which is partly founded upon it, it is written in technical and somewhat bombastic language, but is a very curious and remarkable document, from the very full enumeration of academical exercises which it contains. After a long preamble, speaking in glowing terms of the piety and munificence of the king, and of the magnificence of the college which he designed to establish, it proceeds as follows. "In perpetuum concedimus per præsentis quod idem collegium regale, præpositus ac singuli

socii et scholares ejusdem eorum servientes et ministri, perpetuis futuris temporibus absque impetitione nostrâ seu successorum nostrorum habeant necnon exequantur cum effectu, omnia et singularia hujusmodi privilegia sibi indulta, libertates, franchises et prærogativas eis tam apostolicâ quam regiâ auctoritate concessa ac donata: eisque libere utantur quanquam privilegiis, prærogativis, libertatibus, franchises dictæ universitatis, aliquâ simili largitione concessis, statutis vel consuetudinibus ejusdem repugnare aut contradicere eisque detrahere vel aliquatenus sugillare videantur; et specialiter quod dictum Regale Collegium, præpositus, &c., juxta tenorem *bullarum apostolicarum* suarum in perpetuum sint exempti ab omni potestate dominio et jurisdictione cancellarii et procancellarii, procuratorum, ministrorum universitatis predictæ sic quod nec dictis cancellario procancellario nec procuratoribus, &c., prædictis, præsentibus aut futuris aliquando in perpetuum licitum sit, aliquid potestatis, domini sive imperii meri aut mixti, vel jurisdictionis sive notionis alicujus exercere in dictum collegium, præpositum, &c., prædictos præsentis vel futuros ratione criminis vel delicti, transgressionis, contractus quasi contractus aut rei cujuscunque ubicunque crimen delictum seu transgressio committatur, contractus vel quasi contractus ineatur vel existat, sed quod dictis præposito, &c., prædictis in perpetuum licitum sit *impune non parere* cancellario, procancellario, procuratoribus et servientibus dictæ

only objectionable inasmuch as it is not sufficiently important to require so solemn a sanction. A similar observation applies,

universitatis quibuscunque prædictis attentare et aliquid exercere volentibus aliquid hujusmodi potestatis dominii imperii jurisdictionis aut alicujus alterius actionis in eosdem vel aliquem eorundem, *dummodo in subscriptis quæ pacem, honorem et commodum dictæ universitatis et suum et præpositum studii scholastici non modicum respiciant: videlicet in lecturis ordinariis audiendis et faciendis, formarum et temporum in quibuscunque scientiis et facultatibus inibi requisitorum complexionibus, præsentationibus ad gradus et lecturas et graduum sumptionibus, respondentibus ad quæstiones in artibus et aliis formalibus et vesperalibus quibuscunque inceptionibus, regentiis, convocationibus, congregationibus, disputationibus, responsionibus, variationibus, expositionibus, determinationibus, repetitionibus quibuscunque, introitibus ad scientias et in cathedras, textuum solemnizationibus, protestationibus et submissionibus inibi fieri, sermonibus ad clerum, exequiis, missis, (præterquam in illis temporibus quibus dictos præpositum socios et scholares interesse oportebit exequiis, missis aut aliis divinis officiis in ecclesia seu capella collegii memorati,) sermonibus ad clerum, processionibus generalibus, necnon officiis, et quibuscunque electionibus cancellarii procuratorum aut aliorum officiorum ejusdem universitatis quorumcunque et in cæteris actibus scholasticis et aliis quibuscunque quæ ejusmodi privilegiis gratiis, indultis, libertatibus, franchises et prærogativis ejusdem collegii regalis eis ut præmittitur jam concessis non contraveniunt, aut iis alicui eorundem non contradicunt aut videantur aliquid repugnare cancellario, procancellario aut procuratoribus ejusdem pro tempore existentibus tanquam veri scholares et gremiales ejusdem universitatis*

sicut scholares cæteri juxta exigentiam statutorum dictæ universitatis pareant et obediant, et quilibet eorum pareat et obediat rationi eorundem cum effectu.

Ita tamen quod per incrementa dictæ universitatis in gradibus, ut præmittitur, assumendis, aut aliis actibus prædictis quibuscunque, per eosdem præpositum socios aut scholares dicti Regalis Collegii eorum servientes ac ministros quod in futurum ad præstandum non arcentur aut arctetur aliquis eorundem ad statuta, libertates, privilegia vel consuetudines dictæ universitatis, quatenus contraria, repugnantia aut quasimodo obvia fuerint statutis, libertatibus, privilegiis franchises, exceptionibus et aliis indultis eodem Regali Collegio præposito, sociis et scholaribus ac eorum servientibus et ministris jam ut præmittitur concessis, *nisi solum in illis de quibus, prout superius est expressum*, super quo licebit unicuique præposito socio et scholari hujusmodi sic jurato, in tempore juramenti sui sic qualitercunque et quandoque per eum dictæ universitati præstandi, mentionem et exceptionem facere speciales; in cujus rei testimonium, &c. It is then added "Conceditur litera ista sub his conditionibus quod ostendatur Dominis Episcopis Sarisburiensi, Lincolnensi et Carliolensi ut ipsi videant et decernant an aliquid obvium aut offensum conscientiis gremialium contra statuta, privilegia et consuetudines laudabiles dictæ universitatis inveniatur: quod si sic decreverint, tunc litera prædicta gratiose concessa omnimodo frustretur: si autem non decreverint tunc gratia oblata in robore suo permaneat."

It would appear from this document that the university was disposed to grant to the provost, fellows, scholars, and

though not in an equal degree, to the oath for the protection of the library and Fitzwilliam Museum.

servants of King's College, complete exemption from the jurisdiction of the chancellor, proctors and other officers of the university, not merely *within the walls of the college, but in all other places*, in compliment to the wishes of the king, and in obedience to the ample indulgences granted to the new foundation in the bulls which he had procured from Pope Nicholas V. It is probable, however, that the bishops, to whom this proposed concession was referred, perceived the dangerous consequences of such a privilege, and therefore wisely reduced it to the very limited form, which it assumed in the composition, which was sanctioned by the king eight years afterwards. It will be observed, however, that though the university was thus rash and prodigal in its grant of exemptions from the jurisdiction of its officers, yet it was most strict and minute in exacting a compliance with every scholastic act and exercise which the most careful enumeration could specify, including, *in the most express terms, the performance of every act which the university required for admission to the degree of bachelor and master of arts*: thus proving, beyond the possibility of a doubt, the truth of the conclusions which we have deduced likewise from the examination of the statutes of the college and of the final composition with the university, that neither the university nor the founder of the college ever contemplated the concession of exemptions from the academical exercises which are required for the first degree in arts, nor any departure from the ordinary forms of presentation or admission to degrees. References are more than once made in the preceding document to the *indulta* and *privilegia* granted to King's College by the papal bulls, but

those indulgences and privileges, whatever they may have been, were absolutely limited by the contents of the royal composition of 1456; it would be impossible, therefore, to plead their authority as a justification of any claim for peculiar exemption from the exercises required for the first degree, inasmuch as it would appear to have been distinctly negatived both by the nearly cotemporary acts of the university and of the king.

It is worthy of remark, that no allusion whatever is made in the statutes of Elizabeth, to any privileged exemption of the members of King's College from scholastic exercises; and in the twenty-seventh chapter, the rubric of which is "*De ordine in quo singula collegia opponentes et disputatores suppeditabunt*," King's College, in common with Trinity and St. John's Colleges, is directed to take one turn out of six. In the statutes of Edward VI., it is enacted that "*Nemo in aliquod collegium theologorum, (the exception was Trinity Hall,) admittatur nisi sit actualis baccalaureus artium aut certe responderit disputaverit et declamaverit quemadmodum statuta Academiæ pro eo gradu requirunt et qui proximâ determinatione post electionem suam actualiter procedat excepto Regali Collegio*;" and it might be conceived that the exception of King's College was made, in consequence of the exemption of its members from the course of exercises which we have enumerated above: but it is proper to observe that scholars of King's College are admitted, by their statutes, to fellowships, at the end of three years of residence, or at the beginning of their senior sophisters' year, (at least in those days when an entire *quadriennium* was required previous to ad-

We have had occasion elsewhere¹ to explain and analyze the oath of creation, which is necessary for the completion of those degrees which give the privileges of the regency, and which has been transmitted to us from a period of very remote antiquity. Most of the obligations imposed by this oath relate to observances which are obsolete or impossible, though they sometimes involve consequences which, if strictly considered, are very serious and

mission *ad respondendum questioni*), and consequently such fellows were not admissible to the *first*, but to the *second quadragesimal determination*, which followed their election,—a circumstance which will sufficiently explain the exception which is made in their favour.

In the statutes of the first year of Elizabeth, this clause remained unaltered; but in those given in the twelfth year of her reign, it is ordered absolutely that “*Quod nemo in aliquod collegium theologorum admittatur socius, nisi sit actualiter Baccalaureus Artium.*” In the complaints made by the masters of arts, against the new statutes, this clause is expressly quoted “as injurious to the King’s Colledge, and contrarie to Kinge Edward’s and this Queene’s Majesties injunctions, which in the same clause excepted the Kinge’s Colledge,” (*Collection of Documents from the Library of C. C. College*, p. 377,) a decisive proof that the exception made in their favour referred to the period of their admission to fellowships, and not to any peculiar privilege of exemption from academical exercises, which the members of that college enjoyed. The Heads of Houses, in their reply to this complaint, simply observe that “this statute was before, and is most convenient,” which apparently refers to some statute or practice antecedent to the time of Edward VI., though it does not appear in the statute book.

It has been usual, in all recent graces which regulate the examinations for

degrees, to introduce a clause in the reports of the syndicates upon which they have been founded, declaring “that the preceding regulations should not be considered as interfering with the composition between King’s College and the university.” If the terms of this composition afforded the slightest ground for exempting the members of that college from the ordinary exercises and examinations for degrees, the object and relevancy of such a clause would be perfectly intelligible: but in the absence of any discoverable foundation for such an interpretation of its meaning, we must conceive that the members of the syndicates who have composed such reports, have been ignorant of its real import or extent, and have been induced to avail themselves of this clause, from a mistaken apprehension that they might otherwise incur the imputation of perjury.

¹ Note 1, App. A., p. xxviii. There is still preserved in the statute book, though it is very rarely used, the oath of creation, which is taken by the legally appointed and allowed proxy of a person who is created in his absence: the senior proctor addressing the proxy says, *jurabis in animam* (upon the soul) *magistri A.B. de continuatione regiminis tui in quinquennium.* This singular and very objectionable vestige of a very ancient and uncommon practice of swearing is still retained in some few of the ecclesiastical courts in England. TYLER on Oaths, p. 232.

embarrassing; but the particular portion, which the Elizabethan statutes annexed to it, relating to the *quinquennial* regency, is perfectly clear and unambiguous in its meaning. After stating the course of exercises which must intervene between the degrees of bachelor and master of arts, (not one of which is now performed, even in form,) the statute further says, “Jurabunt autem singuli magistri artium in comitiis suis, (when the creation takes place,) *de regentiâ suâ per quinquennium retinendâ et cursu disputationum toto hoc tempore servando*, post quod tempus nonregentes erunt¹.” The particular duties of this regency may be collected from the ancient statutes, and have become generally obsolete, in common with nearly all the ancient practices of the university; but the *cursus disputationum*, and other duties connected with them, are very strictly defined in the statutes which follow², and are perfectly practicable, though not performed. It is hardly necessary to add that, according to the present system and administration of the university, no useful result could follow from their revival.

We have now considered the principal oaths which are required upon admission to degrees and to the regency; and every person who deprecates the attestation of the name of God and the appeal to his vengeance, except upon the most serious and most solemn occasions, when important obligations are about to be incurred, and most responsible duties are required to be performed, will agree in wishing for their abolition or amendment. For we have found that they relate to observances which have become obsolete or impossible; to statutes which, to a great degree at least, have ceased to be obeyed; to studies and exercises which have ceased to be followed or performed; to payments which have ceased to be paid; to official duties which have ceased to be discharged; to continued residences within the university, which have ceased to be demanded: whilst the few fragments of the real obligations which they impose, are not generally of such a character as would appear to require the security of so solemn an act³.

¹ *Stat.* 12 *Eliz.* cap. vii.

² *Ibid.* cap. viii. and xxv.

³ Such is the opinion likewise ex-

pressed by Mr. Tyler with respect to oaths administered in the University of Oxford:—“After seriously weighing

The evils attendant upon this abuse of oaths may be alleviated, but not removed, by their conversion into equivalent affirmations. Any manifest want of truth in the assertions made, or any frivolous evasion for satisfying the words of a promise, whilst its real import is neglected or violated, would hardly be less offensive to a mind of ordinary religious and moral sensibility, than the neglect or violation of an oath; but still there are many cases,—and admissions to degrees in the university may be included in their number,—where the responsibility of the duties to be performed, or the obligations to be incurred, are not sufficiently important to justify the imposition of an oath, in which a simple affirmation or promise would afford equal, or at all events, adequate security for the objects which are sought to be obtained, without incurring the guilt of even appearing to treat with levity or irreverence the most sacred of human sanctions.

The *formulæ* also made use of in our academical proceedings, which are generally declaratory of the fulfilment of the statutable conditions required for admission to different degrees, are hardly less objectionable, either in form or substance, than the oaths which we have just been considering. Let us take, as an example, the following *supplicat*, which is presented and passed previously to admission to the degree of master of arts':—"Supplicat reverentiss vestris A. B. ut novem termini completi post finalem ejus Determinationem, in quibus ordinarias lectiones audiverit (licet non omnino secundum formam statuti) una cum omnibus oppositionibus, responsionibus, disputationibus, cæterisque exercitiis per statuta Regia requisitis, sufficiant ei ad incipiendum in Artibus."

If we suppose this *supplicat* presented in favour of a person (as is very commonly the case) who has not resided for one day in the university between his B.A. and M.A. degree, it will be

the matter in my own mind, and after a free and friendly interchange of sentiments with others, better able to form an opinion than myself, I can say that, without making a single exception, I am not aware of one oath, administered by the University of Oxford to her

members as such, which might not with safety be abrogated. I am not aware of one that is necessary." TYLER *on Oaths*, p. 71.

¹ We have analyzed the *supplicat* for the B.A. degree, in Note 2, p. 9.

manifest that every assertion which it contains (the period of nine terms alone excepted) will be absolutely false: for he has made no *determination*¹; he has heard *no ordinary lectures*², and probably *none have been given*, either according to the *form of the statute*, or *in any other manner*; he has not *opposed, responded, disputed, declaimed*³, nor performed any *one exercise* according to the royal statutes. The same observations, and almost in the same words, may be applied to nearly every *supplicat* which is presented to the senate.

In whatever direction we examine our academical proceedings, we shall meet with similar consequences of the discrepancy which exists between the written law and the practice of the university; our oaths and formulæ refer to the former, whilst our real transactions, more especially those which involve the conditions of graduation, refer to the latter: yet, startling and offensive as these anomalies unquestionably are, they have escaped notice from their gradual approach and almost insensible changes: even within these few years, the questionists, and incepting masters of arts, crowded (*huddled*) to the schools, sometimes on a day preceding, sometimes within a few minutes of the presentation of their *supplicats*, to keep, *juramenti gratiâ*, the statutable exercises⁴: but such farces have in late years been most wisely discontinued, it being justly considered, that as their performance could not satisfy the spirit and meaning of the statutes, it could not avert the consequences to which their undisguised violation would lead, however serious and alarming they might be.

¹ No quadragesimal exercises are performed, though the senior proctor or his deputy declares on the second Tripos day, that all the bachelors of the year have finally *determined*.

² He is required to attend assiduously the ordinary lectures on philosophy (Aristotelian) by the Lector Philosophicus, on astronomy and perspective, by the Lector Mathematicus, and on the Greek language, by the Greek professor; the latter alone of which are given, though not according to the statute. (*Stat. 12 Eliz. cap. vii.*)

³ Supra, p. 10.

⁴ The two declamations were usually the two first lines of the eclogues and *Æneid* of Virgil; after which the respondent repeated the following form:—

Recte statuit Newtonus,
Recte statuit Woodius,
Recte statuit Paleius.

To which the opponent replied:—

Si non recte statuerunt A, B, C,
cadunt quæstiones.

Sed non recte statuerunt A, B, C,
ergo cadunt quæstiones.

The parties then changed places, and re-enacted the same parts.

But let us not be misunderstood, and supposed to attribute to any members of the university indifference to the sacred obligations of an oath; for no one who is cognizant of the high and scrupulous tone of moral and religious feeling which eminently characterizes the present state of the university, could justly harbour such a suspicion, or advance such a charge. But the fact is, that a great majority of the members of the university have never reflected upon the language and requirements of the statutes, and are perfectly ignorant of their real meaning and character: they have fully believed that such statutes as were obsolete in practice, were obsolete also in obligation, neglecting the observation of the unfortunate precautions which the framers of those statutes had taken to make their form, as well as their obligation, perpetual: if a suspicion of the truth suggested itself to their minds, it was repelled by a conviction that the task of reform was hopeless and impracticable, or checked by the apprehension of incurring the charge of attempting innovations, whose ultimate consequences they could not foresee: they probably considered the fabric of the university, like the other ancient institutions, as kept together by some mysterious coherence of its parts, whose safety might be endangered by any attempt at reform or reparation which could expose and make manifest the rotten timbers which were concealed in its structure: and remembering the indignation and ridicule¹ which had generally attended all previous attempts at innovation, they have been contented to rest satisfied with the continuance of a system which had been acquiesced in, for so many generations, without remonstrance or complaint.

The observations which we have made with respect to the *supplicats* for the degrees of bachelors and masters of arts, will apply, in a great measure, to the *supplicats* for superior degrees. In all of them we find the phrase, *in quibus ordinarias lectiones audiverit*, with its accompanying qualification, *licet non omnino secundum formam statuti*. The ordinary lectures of the professors

¹ Many members of the university will remember the propositions made by that truly simple-hearted, pure, and Christian character, the late Professor Farish, for the reform of our academical oaths.

of Theology and Hebrew, which masters of arts and others proceeding in theology are required to attend *daily*¹, are either not given, or not given statutably, and consequently no opportunity is furnished of satisfying the conditions of the statute. The lectures of the professors of civil law and medicine are given regularly, the first throughout the academical year, and the second during one term, though not in the public schools, or in conformity with the statute : but the exercises for all degrees in the three faculties, being placed under the control of the proper professors, are generally performed, or if omitted, their future performance is apparently provided for by the deposit of proper cautions, which are authorized by a grace of the senate².

The oaths of office, administered to the vicechancellor and other university officers, and to all professors, are generally expressed, with such variations as may suit the peculiar character and designation of the office or professorship to which they are admitted, in the following form:—"Jurabis quod omnes et singulas ordinationes (officium tuum, &c.) concernentes, pro parte tuâ juxta vim formam et effectum earundem bene et fideliter observabis et adimplebis."

If the duties which are imposed by this oath be practicable and reasonable, and entitled by their gravity and importance to require the security of such an act, no proper objection can be raised to the form in which it is conceived. In the case of university officers, the performance of statutable duties would

¹ The professors of Theology, Hebrew, and Greek, were severally required by the Elizabethan Statutes to lecture four times a week throughout the entire year : a royal letter of Charles II., in 1661, reduced the period of lecturing to the whole of the three academical terms, and the number of lectures to twice a week ; the ground assigned for this alteration was the intolerable labour which the statutable conditions imposed, and the increasing neglect of such lectures in the public schools.

² These caution graces are dispensations of the Elizabethan Sta-

tutes, deferring the performance of exercises to a period subsequent to the admission to the degree for which they are statutably required, and endeavouring to secure their ultimate performance by the deposit of cautions, which were enormous for the period when they were imposed. (See the list of cautions made in 1690. *Stat. Acad.* p. 505.) All such caution graces require the previous signature of a majority of the Heads of Houses, in conformity with the conditions of dispensation prescribed in the interpretation in 1575.

involve the observation of the statutes out of which those duties arise, whilst the duties of the different professorships are defined by the particular statutes or deeds of their foundation : and it may be observed, that the statutes of nearly every professorship which was founded before the end of the last century, as well as of some of those which are of later date, involve *conditions which are either obsolete or are not fulfilled, and which the oath of office unquestionably comprehends*. If the reform of the laws which regulate the duties of those professorships be placed, as is generally the case, beyond the immediate control of the authorities of the university, it becomes their imperative duty to take the proper steps for procuring such an alteration of the oath of office as may not add to the charge of neglecting statutes, whose strict and literal execution is neither expedient nor practicable, an imputation of a much more serious character¹.

If we pass from the examination of the academical oaths to those which are required by the statutes of particular colleges, we shall find everywhere examples of similar abuses. Those statutes, even when adapted to the reformation in religion in the reigns of Edward VI. and Queen Elizabeth, recognised as the basis of all their enactments, the scholastic system of education, which was then universally prevalent, and defined generally with

¹ Some of these professorships, such as the Lucasian and the Plumian, are regulated by decrees of the Court of Chancery, sanctioning statutes framed and approved by the contemporary authorities of the university ; and to the latter professorship, new and very important duties have been assigned since the foundation of the observatory in 1823, by the trustees of the professorship and the university, upon the understanding that they would be sanctioned by the Court of Chancery, though no steps have hitherto been taken for that purpose. The statutes of the five regius professorships of Divinity, Law, Physic, Hebrew, and Greek, are so completely interwoven with the statutes of the university, as

to be nearly inseparable from them, and the reform of the one cannot be effected without the corresponding change or reform of the other. The statutes of the Margaret's professorship of divinity require a fundamental reform, not merely with respect to the duties to be performed, but in order to make provision for their discharge when the professor is disabled by age and infirmity: the magnificent endowment attached to this professorship, and the leading part which the professor may fairly be expected to take in the proper conduct of the theological education of the university, render it highly important that its statutes, which are now obsolete, should undergo an entire revision.

great minuteness and detail, the duties of lecturers and other officers with respect to it: they contemplated no change either in the habits of life, or the studies or occupation of the members of the university; and we consequently find that the oaths which are directed to be administered on admission to fellowships and scholarships, as well as those which relate to the duties of lecturers and college officers, are in many cases full of obsolete and impracticable provisions, and require a reform at least as comprehensive as the oaths and formulæ which are administered and used in the university.

We will begin with the consideration of those oaths which are administered on admission to scholarships and fellowships, with a view of pointing out the extent of the engagements which they involve, comprehending in every instance the observation of the whole body of the statutes, and accompanied in some cases by provisions against innovations and dispensations of the most solemn and awful character.

The oath of admission to fellowships at Trinity College was framed in the true spirit of English reformation, and was introduced into the statutes of different colleges, with variations adapted to the peculiar spirit of their original foundations, very generally by the visitors of Edward VI. and Elizabeth. It is as follows:—"Ego, N. N., juro ac Deo teste promitto me veram Christi religionem omni animo amplexurum, scripturæ auctoritatem hominum judiciis præpositurum, regulam vitæ et summam fidei ex verbo Dei petiturum, cæteraquæ quæ ex verbo Dei non probantur, pro humanis habiturum; auctoritatem Regiam in hominibus summam et externorum episcoporum jurisdictioni minime subjectam existimaturum et contrarias verbo Dei opiniones omni voluntate et mente refutaturum; vera consuetis, scripta non scriptis in religionis causâ ante habiturum, theologiam mihi finem studiorum propositurum et sacros ordines cum tempus his statutis præscriptum advenerit suscepturum, aut a collegio discessurum. Deinde *me omnia hujus collegii statuta, leges, ritus atque laudabiles consuetudines quæ ad me pertinebunt servaturum*; item me huic collegio fidelem et benevolum futurum ei et omnibus sociis et discipulis atque etiam magistro ejusdem, non solum

dum in eo vixero, sed etiam postea pro virili, cum opus sit, benevolentiam et opem præstiturum; nullum collegio damnum incommodumve unquam allaturum; aliorum consilia, coitiones, conjurationes, insidias, facta et dicta quæ collegium detrimento afficiant et infamiâ, quantum potero, repulsurum, atque officiariis collegii qui de hujusmodi rebus cognoscere et decidere debent, renunciaturum. Et si propter aliquod crimen inter majora crimina nominatum e collegio per consensum magistri et majoris partis octo seniorum, eo modo quo in capite de majoribus criminibus declaratum est, expulsus fuero, neque me ad alium judicem judicesve appellaturum, aut magistro collegii aut socio alicui litem actionemve unquam in posterum eâ de causâ intentaturum; neque ullam unquam dispensationem contra hoc meum juramentum quæsiturum, aut ab aliis quæsitam et oblatam accepturum; tam magistro, vice-magistro, senioribus reliquisque officiariis in omnibus legitimis honestisque rebus morem gesturum et dignam debitamque reverentiam eis et honorem delaturum. Denique me omnia mihi imposita a magistro et octo senioribus munera suscepturum, eaque summâ cum fide et diligentîâ administraturum."

It would be difficult to refer to an oath of equal length, involving so many provisions, and framed at so remote a period of time, which contains so little that is manifestly calculated to shock and alarm a conscientious juror, if we except the clause which requires the observation of all the statutes of the college, many of which are obsolete and impracticable: yet an attentive consideration of the terms of this oath, and of the objects which it is designed to secure, would show that even after the reform of the statutes, there would remain much that it is desirable to omit. The noble exordium at its commencement, declaratory of the faith of the juror, and of the principles by which he will conduct his religious studies and inquiries after truth, would form a more appropriate subject of a subscription than of an oath: whilst the engagement by which he promises to make theology (in some respect considered as a subject of professional study and occupation) the final object of his studies, and that he will take holy orders at or before the period fixed by the statutes, or if not, that he will quit the college, would be more properly left (as in fact it

is) to the positive enactments of the statutes themselves, than to the solemn sanction of an oath, more particularly in a college, a great body of whose fellows are known, from the period of their admission, to devote themselves to the profession of the law. The profession of perpetual good will to the college, and the promise of repelling or of denouncing whatever words or deeds may tend to affect it with loss or infamy, might well be intrusted to the natural result of the operation of those feelings which attach men so strongly and so universally to the place of their education; whilst the only safe protection against the resistance which unworthy members would oppose to the infliction of the penalties which grave offences or crimes may entail, must be sought for in well-defined laws affecting the personal rights of the members of the college, and in the final and peremptory decisions of a visitatorial court. The protestation against seeking for, or accepting when offered, a dispensation from the personal obligations of this oath, can hardly be considered necessary, inasmuch as there exists in these days no authority which is competent to grant it; whilst the final clause which binds the juror to undertake and execute any office which the authorities of the college may impose upon him, would be highly objectionable, unless the exercise of such a power, in this and in all other personal questions, was distinctly defined by the statutes, and therefore capable of being enforced by their authority.

The obligations which are incurred upon admission to a fellowship or mastership of a college are of a permanent nature, and of such importance both to the person admitted and to the body with which he is to be associated, as might appear to justify their enforcement by the solemnity of an oath; but whatever specific obligations can be strictly defined and enforced by law, may be safely intrusted to the powers of the law, without imposing burdens upon the conscience which may be oppressive or dangerous, and which offer no additional security for the performance of the acts which are required to be done, nor for the protection of the interests which those acts may affect. But if those specific duties be of unusual importance and responsibility, and of such a nature as to be incapable of being defined or

secured by a positive law, they may be most properly enforced by specific oaths or declarations, whether they be administered or made upon the particular occasion of their occurrence, or be considered as included in those which define the general obligations which are incident to the tenure of the office. Such occasions are the elections to scholarships and fellowships, the most important of all acts for maintaining a spirit of vigorous and contented emulation amongst the students of a college, and for securing a succession of members duly qualified to accomplish the great objects of such foundations¹; and amongst such permanent duties, may be reckoned a vigilant attention to the just and equitable administration of the statutes themselves, a duty of daily and perpetual obligation, which no positive law can either define or enforce.

The statutes of Trinity College have imposed nearly the same oath upon the scholars which is imposed upon the fellows, with the exception of those clauses which relate to theology as the final object of their studies, to taking holy orders within the statutable period, and against seeking for a dispensation from their oath. But it may be very seriously doubted whether the administration of such an oath is either expedient or justifiable, and whether every object which is sought to be secured might not be attained by a declaration of their being *bonâ fide* members of the Church of England, and by a simple affirmation that they will obey the authorities of the college in all lawful commands: for, in the first place, the obligation which they incur by their election is of a very limited nature, (never extending beyond a period of five years,) or being absorbed, upon their admission to fellowships, by others of a much more serious and lasting character; whilst in the second place, it is to the authorities of the college, and not

¹ In Trinity College, the electors (the master and eight seniors) to fellowships, scholarships, and offices, take the following oath before the election begins. "Ego N. N. jusjurandum do me neminem in socium . . . electurum, qui sit infamiâ notatus, de hæresi probabiliter suspectus, quinetiam neque

præmio neque gratia, ullâve animi affectione commotum me quenquam cooptaturum, sed eum solum, quem conscientia teste maximè idoneum judicavero." A similar oath, and on similar occasions, is administered in St. John's and other colleges.

to the statute-book, that they will generally look for the laws by which they are required to regulate their conduct; it is only in very extreme cases that a student could feel himself justified in any attempt to scrutinize too narrowly the administration and sources of that authority which he is called upon to obey: and it is only against its unjust, tyrannical, and oppressive exercise that he would presume to appeal to it then for protection and safety.

The practice of dispensation, even from the personal obligation of an oath, had been very common in the ages which preceded the Reformation, and not much less so, as we have already seen, in those which succeeded it: and it is not surprising, therefore, that the founders of colleges, aware of the facilities which the practices of the Roman Catholic religion afforded for such dispensations, even from the most solemn obligations, should have resorted to extraordinary precautions to prevent their being either sought for or granted, and by such means should have endeavoured to secure the permanent accomplishment of their designs and to preserve to all future ages the identity of the statutable constitutions of their foundations. We find many traces of the existence of this feeling of alarm and precaution, even in the statutes of those colleges which were recast by the visitors of Edward VI. or Elizabeth, with a view to their adaptation to the reformed religion; whilst in some of those which have retained, even through that period of probation, their original form and character, we shall find examples of oaths, which are still administered, so minute and absolute in the conditions of obedience which they impose, so pregnant with dangerous responsibilities to those who take them, that it is impossible to read them without feelings of awe and apprehension.

Thus every scholar and fellow of King's College swears upon his admission, not only that he will obey the whole body of the statutes of the college, but that "he will neither accept, nor consent to, nor admit in any way whatever, nor at any time obey, nor even intend to obey, or make use of, either within or without the said college, either tacitly or expressly, any other statutes, ordinances, interpretations, changes, injunctions, declarations, or expositions, which are repugnant to, derogatory from, or contrary

to, the present ordinances and to the meaning of the same, by whomsoever made, except by the most serene Prince Henry, the above-mentioned founder¹." He further swears, "that he will interpret the words of this oath," which is of immense length, not confined to positive enactments, but regulating and controlling, upon many subjects, his personal conduct and the expression of his opinions and feelings, "according to their plain, literal, and grammatical sense." And lastly, "that he will neither seek for any dispensation of his oath, nor of any of the statutes and ordinances of the college, nor accept it if obtained by others, or granted and offered without solicitation, or by whatever authority, or under whatever form of words; nor will he use or consent to the same, in any manner whatsoever²."

If we consider the extraordinary contrast which is exhibited between the present government of this noble college and its statutable constitution, so minute and so severe in its regulations, so full of enactments enjoining superstitious practices, so distinct and peremptory in fixing the occupations and professions of its members, so anxiously guarded against the intrusion of the most

¹ The words in the original are:—"Quod nulla alia statuta seu ordinationes, interpretationes, mutationes, injunctiones, declarationes aut expositiones alias præsentibus ordinationibus vel qualitercunque vero intellectui eorum repugnantes vel repugnantia, derogantes vel derogantia, contrarias vel contraria, per quemcunque vel quoscunque, alium vel alios quam per serenissimum Principem Henricum fundatorem prædictum fiendos vel fienda quomodolibet acceptabo, vel ad ea consentiam aut ipsa aliquammodo admittam nec eis parebo ullo tempore vel intendam nec illis nec eorum aliquo utar in collegio prædicto vel extra tacite vel expresse." This oath is copied, with very slight variations, like the other statutes of King's College, from that framed by William of Wykeham for New College, Oxford, who had composed his statutes with

extraordinary care and precaution, and had repeatedly revised them: and it was from a feeling of extreme and very natural anxiety, lest attempts should be made to change or mutilate the laws of the society which he designed as the noblest monument of his fame, that he sought to preserve it inviolate under the protection of this tremendous oath.

² The words are:—"Item quod non impetrabo dispensationem aliquam contra juramenta mea prædicta et contra statuta et ordinationes de quibus præmittitur, aut ipsorum aliquod; nec dispensationem hujusmodi si impetrari contigerit, vel gratis offerri vel concedi contigerit, cujuscunque fuerit auctoritate, seu si generaliter seu specialiter vel alias sub quâcunque verborum formâ concessa, ipsâ non utar nec eidem consentiam quovis modo."

trivial innovation or change, we shall be compelled to admit how slight is the connexion which exists between the continuity of laws and the continuity of the institutions which they define; by whatever solemnities they may be enforced, when they are attempted to be maintained in defiance of those revolutions in the habits and opinions of mankind, which are the necessary and spontaneous fruits of time.

The most cautious reformer of ancient institutions would be disposed to admit the desirableness, we might almost add, the necessity of discontinuing the imposition of an oath, which is throughout fraught with such serious responsibilities, and which it is absolutely impossible to obey. But a most difficult question now presents itself, which is not confined to the case immediately under consideration, with respect to the quarter in which the proposition of such a change should originate. Could the authorities of the college, the provost and fellows, consistently with the oath which they have taken, either propose such a change themselves, or accept it, if procured by others? Can it be considered as appurtenant to the powers and functions of the Visitor, either to propose or to sanction it? Or is it the proper province of the crown, acting as Supreme Visitor, in its capacity of the living founder of this and all other royal foundations? Or does a compulsory power of effecting it exist in any quarter, apart from the imperial legislature of the kingdom? To those questions which are replete both with legal and casuistical difficulties, we shall not pretend to give a complete and systematic reply. But it may tend to resolve some of these difficulties, and to point out more clearly the real point at issue in this and similar inquiries, if we enter into a more detailed examination of the clauses against dispensations which appear so very generally in the oaths of admission required by the statutes of different colleges, with a view to determine the precise views with which they were proposed, and the extent of the limitation which they were designed to impose upon the agitation, proposal, or acceptance of statutable changes.

In Trinity College, where the crown has at various times exercised, and unquestionably possesses, the power (subject to the

acquiescence or express consent of the college¹) of altering the statutes, the clause in the fellowship-oath respecting dispensations, which we have quoted on a former occasion (p. 90), can be considered as referring to personal dispensations only, or to such as were granted to individual fellows, to save them from statutable penalties, whilst the general authority and obligations of the statutes remained unaltered. For it is known, as an historical fact, that such dispensations were repeatedly granted by the authority of the crown, and it was never contended, nor even conceived, that the same royal authority which in those days was considered competent to dispense with or alter the whole body of the statutes, could be controlled in the exercise of a temporary dispensation of one or more of them, in favour of any specified individual. But if it be admitted that the same power which gave the statutes, did not from the moment of the completion of that act, abdicate and renounce its authority, but continued to retain and practically to exercise it in the modification and dispensation of its own laws, and that consequently the clause in the oath against the acceptance of dispensations, could not refer to those which were granted by the crown, it may very reasonably be asked what were the dispensations which it was designed to exclude, by subjecting those who sought for or accepted them to the imputation of perjury. The answer to this question will not be very difficult or doubtful, if we consider the peculiar circumstances of the period at which this oath was framed. It first appeared in the original statutes of the college given by Edward VI., when the reformation of religion in this kingdom, was only in progress towards completion, and when the minds of all men were familiar with the dispensations from the distinct obligations of oaths which were so readily granted and accepted, both in the university and elsewhere. It is not surprising, therefore, that even the Fathers of the Reformation should

¹ This acceptance or acquiescence has been deemed to be essential to the validity of royal orders, whether issued before or after the revolution in 1688; but no attempt, before that period, was ever made to resist openly the authority of such commands, though some of those issued by James I. have been deemed to be inoperative, in consequence of such acceptance not being proved by the practice of the college.

have been disposed to guard against the abuse of ecclesiastical dispensations, even when engaged in the establishment of a purer faith where the existence of no such power was recognised. Or even in the absence of such considerations, we may suppose that the framers of this oath were disposed to guard against any frivolous excuses which men or communities are generally ready to invent or allege as grounds for discharge or relief from the obligations of their statutable duties, and thus more effectually to secure the strict and impartial administration of the laws, by stigmatizing every attempt at their evasion with the imputation of perjury.

If we admit the general correctness of this view of the object proposed by the framers of this clause of the oath, we must interpret it as directed to prevent the juror from seeking, by any direct or indirect exertions of his own, to procure a dispensation from the obligations and penalties of the statutes, or from availing himself of any offer or opportunity of procuring it by the indulgence or connivance of those persons or bodies with whom was lodged the administration of the laws; and that it was in no respect designed to limit or control the free, and, in those days, undoubted and undisputed authority of the crown, to alter or modify a work which was absolutely of its own creation, and governed by laws which were in those days revocable at its pleasure.

In the latest statutes of St. John's College, which were granted by Queen Elizabeth in 1576, and in which she expressly reserves to herself and to her successors the right of revision and change,—a power which has been frequently exercised,—we find the following clause in the oath of the fellows and master: “*Item juro quod non impetrabo dispensationem aliquam contra juramenta mea vel statuta prædicta, vel contra aliquam particulam in eis contentam, nec dispensationem hujusmodi per alium vel per alios palam vel occultè impetrari vel obtineri procurabo, directè vel indirectè: neque ab aliis quæsitam et oblatam accipiam.*” The language of this clause would appear equally to forbid the seeking for, or acceptance of, dispensations of the statutes generally, as well as from the personal obligations of the oath; but yet it clearly appears from the distinct acknowledgment which the statutes themselves contain of the power of the crown to alter and amend them, that it was not designed to

interfere in any way with such alterations and dispensations of the statutes as were made by an external and superior authority.

The clause against dispensations in the fellowship-oath of Christ's College is nearly the same with that of the kindred foundation which we have just been considering. It is as follows: "Nullam ullo tempore adversus aliquod statutorum fundatricis nostræ, sive adversus hoc juramentum meum, dispensationem impetrabo, nec curabo impetrari, neque ab aliis impetratam acceptabo ullo modo¹." There is no power expressly reserved by the statutes of this college to effect or to authorize such alterations as time and other circumstances might render necessary; and though the crown is the representative of the foundress and therefore by the law of England the proper interpreter, or rather depository, of her will, yet it is sufficiently remarkable that those statutes, though full of superstitious enactments, should have escaped the revision of the visitors, appointed by the crown, at the period of the reformation, and should have remained unaltered to the present time². We are consequently unable to appeal in this, as in the preceding cases, to examples of changes which have been proposed by a competent authority and accepted by the college, to prove that the terms of this oath were framed to prevent personal dispensations only, or any attempt to evade the operation of the existing statutes; yet there is nothing in the terms themselves, in which the oath is expressed, which would naturally convey a more extended sense, or which would appear to justify its interpretation as designed to prevent either the contemplation of amendments or improvements in the statutes, or the adoption of the authorized means of procuring them by applying to those who were competent to grant them³.

¹ The master's oath is nearly the same. "Neque dispensationem aliquam adversus eadem statuta aut eorum aliquod (præsertim quod ad magistrum sive custodem pertinent) impetrabo, nec ab aliis curabo impetrari, nec impetratam acceptabo ullo modo."

² Dr. Hawford, who was master of Christ's College at the accession of Elizabeth, was suspected of being a

insincere convert to the reformed religion, a circumstance which may in some degree account for the non-interference of the royal visitors with the statutes of his college. See note, p. 42.

³ Amongst other complaints of the members of the senate of the university against the new statutes (Dr. LAMB'S *Collection of Documents*, p. 363) it is urged that the "Devisours of them"

If a corporate body be empowered, whether by the law of the land, or by an express enactment, to accept statutable changes, when offered by a superior authority, the same body would appear to be authorized, likewise, to propose, by way of suggestion or otherwise, the specific changes which they would wish for or accept; for it is hardly conceivable that any oath could be framed in so capricious and arbitrary a spirit, as to suppress or forbid the antecedent discussion and consideration of those statutable amendments, which if offered spontaneously by a competent authority, even though in perfect ignorance of their wishes and feelings, might be accepted or acted upon without the imputation of perjury. Such is the course of proceeding, (and it is obviously the most rational and convenient,) which has usually been followed in procuring statutable changes from the proper quarter, whether it be a court of equity, the queen in council, or any other sufficient authority¹;

had sworn to observe the old statutes and customs, and not to impugn them nor to consent to impugn them, under any pretence, directe vel indirecte, clam vel palam, withoute the consente majoris et sanioris partis regentium et non-regentium. In reply to this charge, the heads of houses say, "we are persuaded there is no such auncient statute in the universitie of Cambridge given either by pope, legate, or anie subject of this realme whatsoever, but that the Queen's Majestie, uppon good considerations may, by her Majestie's royall authoritie, alter and change the same, notwithstanding the othe of anie that is boonde for the observing of the same, forasmuche as IN OMNI JURAMENTO SEMPER EXCIPIENDA EST POTESTAS MAJORIS. And we do think yt is the duty of every good member of the universitie to procure such statutes as may be moste to Godes his glory and the good government of the present state, notwithstanding any old custome or statute, or els diriges, masses, and other intollerable superstition should as yet have remained. We marvayle that these men have so

forgotten their duties to their prince that they dare object perjury to such men as most humbly seke to her majestie for due and speedie reformation of any wicked disordre, and the restraining of licentiousnesse, wherebye great commonweales have not only been corrupted, but also overthrowne."

The great principle of the civil law, *quod in omni juramento semper excipienda est potestas majoris*, which is appealed to in this very well-reasoned reply, furnishes the safest guide which we can follow in considering the proper limits and term of our obligation in the observation of statutes or laws. There is no authority which can discharge the obligation of the juror (who appeals to God, as his witness and his judge), whilst the subject of his oath remains unaltered. But if we admit the existence of an authority which is competent to alter or repeal the law or statute which forms the subject of the oath, its obligation altogether ceases, as far, at least, as the repeal or alteration extends.

¹ The queen in council, as the representative of their founders, is the su-

and such is the position of most of the colleges in Cambridge, in which no reasonable doubt can be raised with respect to their competence to accept of statutable changes, and therefore of their capacity to propose them.

The framers, however, of some ancient statutes, from a wish to prevent the agitation of frequent changes, or from a still more natural jealousy of any fundamental innovations in a fabric of their own creation, have made use of language in the construction of their oaths, which is well calculated to produce a feeling of alarm in the minds of those who take them, lest in making or arranging even the slightest movement towards statutable reform, they may approximate to the guilt of perjury. It is very difficult in such cases to propose any rule to guide the conduct of men who are thus placed in the very embarrassing and distressing position, of either acquiescing in the continued existence of acknowledged evils, including in their number frequent and necessary departures from the statutes which they are sworn to observe, or of incurring the imputation of a much more serious charge, if they venture to take those measures of reasonable and temperate reform, which they may conscientiously believe to be most effectual for the accomplishment of those objects which the founder would himself have sanctioned, could he have foreseen the great alterations which time has made in the habits and opinions of mankind.

Thus, in the oath which is taken¹ by the fellows of King's College, it will be observed that the very elaborate clauses against

preme authority in King's, Trinity, St John's, Christ's, Queen's, Clare Hall, and Pembroke Colleges. In Caius, Corpus, Downing, Trinity Hall, Catherine Hall, it is the queen in council, or in a court of equity. In Peterhouse, Jesus, Magdalene, Sidney, Emanuel, the visitors, as representing the founders, and deriving from them peculiar jurisdiction and authority, would either be competent to sanction such changes, or at all events to authorize an application to the queen in council, or in a

court of equity. In all other cases, the power of the visitors is judicial merely and not legislative; and as they would be no party to the acceptance of the changes, if offered by a competent authority, they would appear to possess no reciprocal right of sanctioning the proposals which it might be thought proper to submit to such an authority, for the purpose of assisting it in the exercise of its pleasure.

¹ In the copy of the statutes of the sister foundation of Eton College, which

procuring, accepting, obeying, or even contemplating, new statutes, and against seeking or accepting dispensations from the obliga-

was published by order of the House of Commons in 1816, where the oaths of the provost, scholars, and fellows, are the same as in King's College, with a very few and unimportant variations, those portions of them which require the statutes to be interpreted, *secundum planum litteralem et grammaticalem sensum et intellectum eorundem* (p. 95), as well as the whole of the two important clauses against statutable changes and dispensations, together with other very important passages, are marked as *crossed out and erased, and consequently as never administered*. Other erasures and omissions, which are noted in this publication, comprehend more than half of the whole body of the statutes, some of which relate to various superstitious practices and Roman Catholic services, which the good and pious founder most strictly and rigorously imposed, and also many others relating to important personal rights of various members of the foundation. These mutilations of the founder's statutes, however impracticable and contrary to the existing laws of the realm some of those statutes may be deemed to be, do not appear to have received the sanction of any authority; and by the following remarkable passages in the concluding chapter of the statutes, (which are also very carefully erased,) the kings of England, the bishop of Lincoln (the visitor), and all bishops and archbishops, as well as the authorities of the college, are solemnly inhibited from proposing or sanctioning any such alterations or mutilations whatever. "Tenore etiam præsentium statuimus, ordinamus et volumus, quod nullo modo, nec ullo tempore liceat alicui hæredum vel successorum nostrorum *Regum Angliæ* seu Lincolnienſi episcopo, qui pro tempore fuerit,

seu alicui alteri episcopo aut archiepiscopo cuicunque postquam, quum Deo placuerit, substracti fuerimus ab hac luce, nec præposito aut sociis nostri Collegii prædicti, qui nunc sunt aut erunt, collegialiter, communiter aut divisim, nec alteri cujuscunque dignitatis, status, gradus aut conditionis existat, aliqua nova statuta, seu ordinationes, regulas, constitutiones, interpretationes, immutationes, declarationes aut expositiones alias præsentibus nostris ordinationibus et statutis per nos nunc editis in posterumve condendis, aut sano et plano intellectui eorundem repugnantes vel repugnantia, derogantes vel derogantia, discordantes vel discordantia, contrarias vel contraria, diversas vel diversa, edere, condere, ordinare, statuere vel dictare, nec eis vel alicui ipsorum liceat præmissa vel eorum aliquod, quocunque quæsito colore, seu alicujus statuti tenorem, aut substantiam demere vel mutare nec circa ea quomodolibet dispensare. Nec volumus quod per aliquam dissuetudinem consuetudinem vel abusum, aut aliam occasionem quamecunque intentioni aut verbis ipsorum statutorum nostrorum aut ordinationum in aliquo derogetur. Nolentes insuper aliquam interpretationem fieri de eisdem aut circa ea, nisi juxta planum sensum, secundum intellectum et expositionem grammaticalem et litteralem magis et aptius ad casum seu prætensum dubium, de quo quæritur et agitur, applaudentem. Inhibemus quoque statuantes et ordinantes specialiter et expressè ac SUB INTERMINATIONE DIVINI JUDICII INTERDICIMUS dicti nostri Regalis Collegii præposito vel præpositis, ac sociis et scholaribus ejusdem universis et singulis præsentibus et futuris, ac in virtute juramenti

tions of the statutes themselves, are perfectly separate and distinct from each other,—a separation which would seem to prove, in addition to reasons which we have before advanced, that the second clause referred to personal dispensations only, and fully to justify the interpretation which we have given of the import of a similar clause in the statutes of other colleges¹: but a careful consideration of the words of the first and more important of those clauses, combined with the very express and forcible declaration contained

per ipsos et eorum quemlibet dicto Collegio præstiti, admonemus et hortamur, ne ipsi collegialiter communiter vel divisim aliquas alias ordinationes vel statuta præsentibus ordinationibus et statutis vel ipsorum sano plano grammaticali et literali intellectui quomodolibet adversantes vel adversantia, repugnantes vel repugnantia, derogantes vel derogantia, nisi per nos edenda, attemptent nec hujusmodi fieri procurent, aut eisdem utantur publicè vel occultè, directè vel indirectè. Et si contra præmissa vel contra intentionem nostram in præmissis, vel eorum aliquo, per aliquem vel aliquos (quod absit) aliquid vel aliqua contingat statui, ordinari, fieri aut dictari, vel dispensationem aliquam scienter vel ignoranter concedi, declaramus dictos præpositum et præpositos, magistrum informatorem, hostiarium, socios et scholares ac clericos dicti nostri collegii, quibus omnibus et singulis in ea parte omnem et omnimodam adimimus potestatem, ad ipsa observanda non teneri quomodolibet vel astringi, sed ea vacuumus omnino et carere volumus omni robore firmitatis: aliis pœnis in hoc casu inflictis superius in sua firmitate nihilominus permansuris.”

The bold and decisive step which appears to have been taken by the provost and fellows of Eton College of mutilating the statutes and oaths to suit existing practices and existing interests, would admit of some justification as the only expedient by which

they could escape from the obligation of oaths which it was altogether impossible to obey; but it will be very readily allowed that, after the course which they have chosen to take, they could neither plead the obligation of their oaths, nor the wishes of their founder, nor the guardianship of their visitor, as a protection against the interference of the legislature or of the crown.

We are not aware of any similar licence in the treatment of the oaths and statutes of the sister foundation in Cambridge.

¹ In the statutes given by Bishop Fisher to St. John's College, in 1530, the fellowship and other oaths are copied, with very slight changes, from those of King's College, probably as presenting the strongest form of words which he could select, for the protection of his adopted college, from even the contemplation of innovations: it was a fortunate circumstance for the college that he failed in the accomplishment of his purpose, and that his unchangeable statutes were in a great measure replaced by others of a more practicable and pliable nature. The framers of the new statutes, as we have seen before, whilst they struck out entirely the clause against statutable changes, retained the second of the clauses which we have quoted and considered in page 98, against personal dispensations from the obligations of the statutes.

in the last chapter of the statutes¹, leave no doubt of their being designed by the royal founder to secure the transmission of his foundations to all future ages an unaltered and unalterable monument of his piety and munificence.

If this oath continues to be administered without mutilation, it is difficult, if not impossible, to reconcile its imposition with the existing state of things: for dispensations and changes of every kind, whether great or small, are forbidden with equal earnestness, and included under the same general invocation and denunciation of the wrath of God as their punishment: and it would be difficult to exempt acquiescence in the various unstatutable practices, which have been transmitted to them from their predecessors, from the imputation of the same guilt which would attend the proposition of new changes: but if it be administered with modifications or omissions similar to those which have been allowed at Eton College, it is altogether impossible to plead the statutable obligations which have been imposed by the will of the founder, as a bar and protection against still more considerable and fundamental changes.

A reorganization of those two royal colleges, so ample in their endowments, so magnificent in their architecture, so rich in ancient and honourable associations, which would free them from the miserable limitations under which they at present labour, and bring them, without altogether destroying the sisterly connexion which they have so long maintained, under the stimulating influences of a more open and liberal competition, would be a work well worthy of the highest ambition to undertake and to accomplish. The proper administration of the celebrated school which forms part of one of these establishments,—the nursing-mother of the aristocracy of England, and so singularly fortunate in the enthusiastic love and attachment of her numerous sons,—is an object of truly national importance; whilst the coordinate foundation in this university, possessing such various capacities of usefulness, yet so poor in their employment, which remains, as it were, an alien to the academical institutions in the midst of which it is placed, and a stranger to the motives and

¹ Quoted in the note to page 102.

sympathies by which the great body of their members are animated,—might be converted, by a wider distribution of its benefits, even amongst her sister's children, from a magnificent cenotaph of learning into a living and glorious monument, dedicated to the cultivation of all the arts which adorn humanity. Let us earnestly hope that the time is not far distant, when the consideration of this most important subject will be undertaken in a spirit of bold and comprehensive, yet cautious and equitable, reform.

The preceding observations on the oaths of admission to the masterships, fellowships, and scholarships, in some of the principal colleges of the university, are more or less applicable to all the others: in every case they require the unconditional observation of the statutes, accompanied generally by the imposition of specific obligations, whether against dispensations or otherwise, of a more or less onerous nature¹. The same statutes generally impose oaths on admission to college offices, and on various other occasions, (such as elections to fellowships, &c.,) which require the juror to discharge his duty faithfully, and in conformity with the laws and statutes which concern them²: oaths of this kind

¹ Every fellow of Queen's College is obliged to swear, "*quod quando expressum fuerit tibi nomen fundatoris tui vel fundatricis tuæ, orabis specialiter pro eo vel pro eâ.*" This clause formed part of the oath which was sanctioned by Queen Elizabeth's visitors. We believe that the whole of the statutes of this college have been lately revised and modernized under the authority of the queen in council. The fellows of Christ's are directed by their foundress, the Lady Margaret, countess of Richmond, in her lifetime, to swear that they will pray, "for me, and for my son King Henry VII., during our lives, and for our souls after our deaths, and for the souls of Edward, earl of Richmond, of John, duke of Somerset, and his consort, of all my progenitors, for Elizabeth the wife of my son the King, for the soul of King Henry VI. and Margaret his queen, of Edward their son, of William Bing

ham, priest, and of John Brackley." This portion of the oath is not now administered.

The statutes of Corpus Christi College, which were revised by Archbishop Parker, at the time when he was master of the college, are remarkable for their brevity, distinctness, and practical character, as well as for the simplicity and reasonableness of the oaths which they require: and the same remark may be applied to the original statutes of the earlier colleges generally, who had few models to copy, and who did not attempt, by the multiplicity and jealous character of their enactments, to anticipate every occasion of partiality and change, which they had witnessed in other societies, and thus to introduce the sources of embarrassment and disunion much more serious than those which they sought to remedy.

² The form of the oath in Trinity

are particularly objectionable, when they impose duties, as is very commonly the case, which have either ceased to be discharged, or to be capable of being so.

But, it may be contended, that oaths of office are fully satisfied where those duties are performed which have usually been required, and which were equally understood to be required both by those who take and by those who administer them, even though they should be different from the specific duties expressed in the oaths themselves, or in the statutes to which they refer. Thus a *supplicat*, presented for a degree, though it may be false with respect to the provisions of the statute on which it is based, may be perfectly true with respect to the facts which it is intended to assert; and an oath, which prescribes obedience generally to the statutes of the university or of a college, may exercise as real and effective obligation upon the mind of the juror with respect to those duties, though they may not be statutable, which he is commonly called upon to discharge by the properly-constituted authorities, as if they were set forth by the most carefully-chosen language. We feel satisfied that the persons who use such arguments,—and they are not few in number,—describe very accurately the principles by which they regulate their own conduct and by which they are enabled to extract good out of evil, looking less to the words of the law, than to the spirit and views of the law-givers. They forget, however, that with men, whose minds and affections are thus happily constituted, there is no human law which can impose an obligation equally positive and binding, with that which is already imposed and enforced by the dictates of their own consciences, and that, with them, oaths, when viewed and interpreted in the most favourable light, would merely impose a useless burden.

But it is hardly necessary to follow out the very dangerous consequences which might result from such a view of our statutes

College is, “jurabis te munus (Decani senioris, Lectoris Primarii, &c.) fideliter atque omnino secundum leges et statuta de eo conditas executurum.” It has been usual to administer this oath in many cases where the duties of

the office are of a real, but totally different nature from those prescribed by the statutes. Measures, however, are already in progress for the reform of such abuses.

and of the obligations of our oaths; for if followed out to its legitimate extent, it would make custom interpret the law and not law determine the custom, and would make the practical constitutions of societies and institutions as changeable and as fluctuating as the perpetually varying customs and opinions of mankind. Neither is it allowable to assume that there exists, in any one instance, such a uniform conventional understanding of the nature and extent of the obligations incurred, as to make it a safe and sufficient guide either to the conscience or the practice of the juror. It is only when the law is well defined and clearly understood that we can reckon upon a uniform and well-regulated obedience to all its enactments; it is only when oaths have reference to such laws, that their obligation can be practically felt and revered: the imposition of all other oaths, which possess not this essential character, partakes of the nature of sin.

It is one of the most unhappy consequences of the present anomalous condition of our statutes, that an academical oath can rarely be administered or taken in its strict and literal sense, or without producing, on the mind of the juror, when seriously considered and examined, a very painful and oppressive feeling of ill-defined obligation; and it is for this reason that a reform of our academical oaths is inseparably connected with such a reform of our academical and college statutes as may bring our laws and our practice into more perfect correspondence with each other. In the absence of such a reform, no conversion of oaths into equivalent affirmations, nor any other change of their form which continues to involve (as it must almost necessarily do) the observation of the statutes, can purge them of those very serious objections which characterize all engagements, whether made in the presence of God or man, which are undertaken and interpreted in a sense different from that which the words which express them were intended to convey.

CHAPTER III.

ON THE REFORM OF COLLEGE STATUTES.

THE observations in the last chapter may be considered as having sufficiently established the close connexion which exists between the reform of academical oaths and formulæ, and the reform of the statutes to which they refer, and naturally conduct us to the consideration of the principles which should guide us in the proposition and adoption of such reforms. The inquiry which is thus suggested is one of great delicacy and difficulty, whether as regards the obligation of observing and maintaining ancient statutes, or the duty of abandoning them, when no longer compatible with modern habits, or clearly opposed to the advancement of the great interests of national education. We shall confine ourselves in the present chapter, to some observations on the general reform of college statutes, and we shall afterwards proceed in the chapter which follows, to the consideration of the changes which the statutes of the university should undergo, in order to adapt them to its existing state and customs, and of such other modifications of its constitution as may clearly tend to improve its practical administration and enlarge its capacities of usefulness.

There is one great principle which should guide us in all reforms of the statutes of collegiate and private foundations; which is, "to respect the specific wishes and intentions of the founder, whenever they can be clearly ascertained and shown to be independent of the peculiar circumstances of the times in which he lived, provided the observation of them is practicable, compatible with the laws of the land, and not distinctly opposed to public policy and the general interests of the community." It remains to examine the nature and extent of the limitations which the application of this principle would impose upon the proposition and adoption of changes in the statutes of different colleges in the university of Cambridge.

The statutes of a college, when given by the founder himself, may be considered as expressing his entire views with respect to the character and objects of his foundation, and as offering, therefore, the most unexceptionable criterion for determining his specific wishes and intentions; but even in those cases (and they are very few) in which the founder's statutes have remained unaltered, those which are peculiar to his foundation may be considered as expressing his specific views much more unequivocally than those which are not. Thus those statutes which are derived from the statutes of similar and more ancient bodies, or which are obviously adapted to the cotemporary practices and laws of the university, may generally be rather viewed as characteristic of the times and local circumstances of the foundation, than as expressions of an original and independent design; whilst those enactments which possess a more peculiar and distinctive character, whether they respect the general framework and constitution of the society, the numbers and professions of its members, their modes of election—when such modes are unique and peculiar—the sources from which the members are to be chosen,—particularly when restricted to particular places or districts—will *generally* be found, when carefully examined, to constitute the only portions of a code of statutes, which formed, as it were, the original instructions for the will of the founder, and which were afterwards worked up by other persons possessing greater academical skill and experience into a regular and customary form, and adapted to the existing system of academical law¹.

This distinction between statutes which are merely derivative

¹ The original statutes of St. Peter's College, which were not given by the founder, Hugo de Balsham, but by his successor, Bishop Montague, were expressly adapted to those of Merton College, Oxford, and a sisterly intercourse was directed to be maintained between them (Note 4, page 4, and Appendix A, p. v., note 2); they were very brief, simple and general in their enactments, and present a very remarkable contrast to many of the later codes

of statutes, which attempted to regulate and control nearly every transaction of life, and which embodied nearly every enactment which the experience of other and more ancient bodies had shown to be sometimes required. The same character applies to the ancient statutes of Clare Hall founded in 1326, of King's Hall founded in 1376 (the statutes given by Richard II. in 1380 are printed in PARKER's *History of Cambridge*, p. 177), and to those of most

or adapted, and those which are original and independent, may be made more manifest by a reference to a few examples. Thus we have before¹ had occasion to notice, in the statutes of nearly all the colleges founded in the fifteenth and the beginning of the sixteenth century, the introduction of a statute, forbidding the election of more than two fellows² from the same county; and,

of the colleges founded in the fourteenth century.

The statutes of New College, given by William of Wykeham (Note 1, Appendix A, p. vii.), form the most striking example which we can refer to, of perfectly original statutes, whilst those of King's College, which are almost literally copied from them, are equally remarkable as a derived or adapted code; presenting, however, an exception to the truth of the general observation in the text, inasmuch as the royal founder took extraordinary precautions to make what he borrowed, his own. Many of the provisions of these statutes, and particularly the oaths against the adoption, or even the contemplation, of statutable changes, were borrowed by Bishop Fisher in framing the original statutes of St. John's College (See Note 1, p. 103). The subsequent statutes which were framed by Whitgift in 1576, were adapted, in nearly all their essential provisions, to those of Trinity College; whilst the statutes of Trinity College, which were first composed in the reign of Edward VI., and subsequently modified by his immediate successors Mary and Elizabeth, were necessarily different from those of other colleges, from its great extent and perfectly national character, and from its offering the first example of a complete system of collegiate education, supplementary, as it were, to that of the university, and which rapidly tended altogether to supersede it. The changes introduced by the Elizabethan visitors in the statutes of those colleges into which they

were admitted, had a tendency generally to extend the collegiate system of instruction, and ultimately to replace the statutable system of the university.

¹ Page 29, and Note.

² The first statutes of Pembroke College were given by the foundress, Mary de Valence, Countess of Pembroke, between the years 1359 and 1366, and the following is the statute "de formâ eligendi socios."

"Injungat custos omnibus et singulis sociis in virtute sacramenti præstiti quod nominent talem vel tales quem vel quos sciverint magis idoneum vel idoneos secundum istas condiciones, scilicet magis morigeratum et magis in scholis proficientem qui etiam sit *liber* et legitimus et talem vel tales in quo vel in quibus istas condiciones magis sciverint aut firmiter crediderint adservari *nullum excipiendo* dummodo fuerit Baccalaureus vel sophista in facultate artium vel saltem ad minus per tres annos debitè studuerit in eadem facultate cujuscunque nationis vel regni extiterit vel extiterint vel præcipuè si talis vel tales de regno Franciæ in Universitate Cantabrigiæ vel Oxoniæ inveniatur aut inveniantur. Sic tamen quod nullus numerus scholarium unius comitatus simul in eadem domo existentium numerum *senarium* excedat ullo quæsito colore (*the original number of scholars proposed was twenty-four*) quod etiam nullius comitatus numerus scholarium *quartam partem* excedat *sociorum*." There is no other college, founded in the fourteenth century, in whose statutes I can discover any corresponding restriction.

in some cases, further distributing their numbers equally between the *Australes* and *Boreales*¹: and we have given our reasons for considering such regulations as flowing naturally out of the circumstances of the university in those times, and as in no respect expressing any peculiar or personal wishes of the founders themselves. But if we refer to examples of the foundations of fellowships and scholarships², which are restricted to particular

¹ Though frequent reference is made in college statutes to the *Australes* and *Boreales*, yet they would never appear to have constituted distinct *nations*, in the sense in which this term was used in the French, Flemish, and Italian universities. Whatever legislation we find regarding them, either in our academical or college statutes, may be sufficiently explained and justified by a reference to the feelings of bitter hostility which existed between them, and which, during the fifteenth century in particular, as well as at other times, filled the university with riots and broils, which sometimes terminated fatally. (See Note 3, p. 28.)

² Such fellowships and scholarships exist as supplementary foundations in most of the colleges in both universities, and it is generally assumed or ordered, that when persons, answering the required conditions, and duly qualified by their attainments and character, cannot be found, or do not offer themselves, they may be otherwise disposed of; and in nearly all cases a reasonable license is given to the electors, which, it is presumed, they will exercise conscientiously, and in such a manner as not to defeat the intentions of the founders, whether by the substitution of existing fellows or scholars, or by an unreasonable elevation of the standard of qualification.

The integrity of the constitution of Trinity College was violated by Queen Elizabeth, who appropriated three scholarships annually to Westminster School, a number which her immedi-

ate successor attempted to increase to six, but the remonstrances addressed to him on the part of the college and other causes, prevented his ordinances, though partially acted upon for some time, from receiving the authority of a statute. Many illustrious members of Trinity College have been derived from this school; but it is now very generally felt and acknowledged, that the alternate nominations of scholars by the Dean of Christchurch and the Master of Trinity College, one offering the possession of considerable advantages for life, and the other for seven years only, have not operated advantageously for the school, more particularly when it is considered that the possession of the same scholarships can be secured in Trinity College, by all those who are likely to do credit to their place of education, as the regular reward of merit in an honourable and open contest.

If these scholars were changed into exhibitioners, to be sent from the school to the college, and to be subsequently eligible to scholarships, like other students, they would enjoy all the advantages of a more open competition, without the sacrifice of any right of sufficient value to be worth preserving. Such an arrangement would be unquestionably advantageous to the school, and would be well worth the slight pecuniary sacrifice which it would entail upon the college, in order to purify its constitution from the stain of this single anomaly.

schools, counties, or dioceses, where there exists a clear and discoverable motive for the preference which is thus given, we can entertain no reasonable doubt, either of the specific wishes of the founders, or of the duty of securing their accomplishment, even though by so doing we may not always consult the highest interests of the society to which such restrictions apply.

But there are large classes of college statutes, which, whether they be original or adapted, no expression of the founder's will, however unequivocal and peremptory, could enable us to enforce. Such are those which relate to the course of studies and exercises, which were, in nearly every case, adaptations to the cotemporary system of the university, whose authority it has long been impossible to maintain, inasmuch as the academical studies and exercises, upon which they were based, have either greatly changed or altogether ceased to be pursued or practised.

Similar observations would apply likewise to all those enactments in our college statutes, and particularly in some of our later codes, which were adapted to cotemporary habits of life in the universities or elsewhere, which are either unsuitable to the more advanced age of modern students, or to the condition and refinements of modern society. Such are the statutes about corporal, and many other puerile¹ punishments, about speaking Latin, about the hours of rising and retirement, and a great multitude of other regulations, affecting almost every transaction of life, which have become obsolete from lapse of time, and from the operation of causes which no legislation can control.

A very different fate, however, has attended those statutes of colleges, as we have already had occasion to observe², which affect the personal rights of members of the same society, and which have been, for the most part, observed with as much

¹ For some offences, in St. John's College, the delinquent, if a scholar, was compelled, "*ad lectionem biblíi tempore prandii sive ut solus in aula, dum cæteri prandeant, solo pane et potu vel aquâ appositis sedeat, aut per injunctionem ut per horam vel horas cum minimè vellet scribat aut componat* *χρεῖον* de aliquâ materiâ sibi

injungendâ in bibliothecâ aut alibi. Stat. Coll. Div. Johannis, cap. xlvii. The statutes of this college are remarkable for the fulness and minuteness of their details in defining the duties of students, and the penalties which attended their violation.

² *Supra* p. 63, and Note 2.

strictness as the circumstances would allow. Such are the statutes which regulate the succession to fellowships or scholarships, to college and other offices, to chambers and to livings; which define the forms of election, and the conditions of eligibility; which apportion, or are considered to apportion, the corporate revenues¹; which prescribe the penalties for not taking

¹ The framers of the statutes of colleges and cathedrals in the age of Elizabeth, and her immediate predecessors, generally fixed not merely the actual stipends of all the members and servants of these foundations, but likewise the sums allowed for the maintenance of the establishment, whether for provisions, charity, repairs, and other sources of expenditure: the following list of some of these stipends will serve to convey a very striking idea of the general poverty of colleges in those days, even when every allowance is made for alterations in the value of money.

The stipend and livery of the master of Trinity College	£	s.	d.
	104	0	0
The stipend and livery of the provost of King's College	74	10	0
The stipend and livery of the master of St. John's College	18	4	0
The stipend of the master of Corpus Christi College	6	13	4
The same stipend was paid to the masters of Trinity Hall, Christ's, and Jesus Colleges.			
The stipend, livery, commons, and pittances of the master of Clare Hall	7	12	8
The stipend of the master of Catherine Hall	5	0	0
The stipend and livery of a fellow of Trinity College, who was M.A.	4	6	8
but if D.D., it was raised to	7	6	8
The stipend and livery of a fellow of King's College, who was M.A., but not a presbyter	2	6	8
The stipend and livery of a			

fellow of St. John's College, who was not one of the four foundation fellows . . . 1 6 8

The stipend and livery of a fellow of Christ's College . 4 0 0

In all these cases a weekly or an annual allowance was likewise made for commons.

It does not appear that the framers of such statutes had anticipated any considerable change in the value of money, and it rarely happened that any provision was made for the distribution of the surplus revenue, or *exrescentia*, as it is called, in the statutes of Trinity College, and which, when the accounts of the proper officers were completed and balanced, was directed to be deposited in *turri*, or in the chest in the muniment-room, by the master and two deans.

The *exrescencies* in Trinity College were appropriated, during the reign of Elizabeth, to the fabric or buildings of the College: after the completion of these works, in the early part of the sixteenth century, the surplus was divided in certain proportions, not regulated, however, by the statutable stipends, which were finally settled, in their present proportions, after some variations and interruptions, soon after the restoration of the monarchy. A similar course has been followed in many other colleges, and though the existing distribution of their revenues has been sanctioned by custom, which our courts of law would probably confirm, there are not many cases in which it can be said to be made under the distinct authority of the statutes.

holy orders within the statutable periods¹, or for not proceeding to superior degrees in divinity at the appointed time²; or which fix the amount of property or preferment, or other conditions, which are incompatible with the terms of a fellowship³; or which define the offences or crimes which are punishable by deprivation or expulsion⁴. It will be found, upon examination, likewise, that such statutes, in a more especial manner, embody the expression of the personal wishes of the founder, when those wishes are distinctly upon record, and constitute nearly the only parts of their codes of laws, which continue to be in practical operation.

In proposing, therefore, the reform of a system of college statutes, where the founders' wishes and intentions are distinctly expressed, and where their general authority has been hitherto acknowledged and acted upon, as far at least as the observation of them was compatible with the laws of the land, we should scrupulously retain the substance of those statutes which define the

¹ In Trinity College, this period is within seven years of creation as M.A.; in St. John's College within six years; in Queen's College within two years of the same act; and in Christ's College within twelve months of the canonical age; in other colleges, such as Jesus College, Clare Hall, and Catherine Hall, a certain number of the whole body must be in holy orders.

² In Trinity College, it is not required to proceed to the degree of B.D. at the statutable period, though the greater stipends and privileges attached to the superior degrees formerly presented sufficient motives for doing so: it is now very rarely taken. In St. John's College it is enforced within one year of the statutable period, *sub pena amissionis sodalitiæ*, a condition which is never dispensed with. A similar penalty enforces the degree in Corpus Christi, Queen's, Emanuel and Sydney Colleges; in other colleges, though generally very strongly recommended, it is very rarely taken.

³ In Trinity College, the possession of a certain annuity for life or hereditary possessions exceeding 10*l.* per annum, involved the forfeiture of a fellowship, unless its holder was one of the *concionatores* (*Stat. Coll. S. S. Trin.* cap. viii.); the same condition applies to the fellows of St. John's College (*Stat. Coll. Div. Joh.*, cap. xxviii.); in colleges of more ancient foundation, still stricter conditions are imposed.

⁴ *Stat. Coll. S. S. Trin.*, cap. xxxviii.; *Stat. Coll. Div. Joh.*, cap. xli. The governing body have the power of deciding upon such offences, and an appeal would appear to be forbidden, even to the visitors, by the terms of the fellowship oath (see page 90), at least when no ambiguity or doubt arises with respect to the meaning or application of the statute: it may be doubted, however, when a very important freehold right is concerned, whether it is either just or desirable to prevent an appeal to the latter authority.

personal rights and privileges of the members of the foundation, as well as of those who are entitled to become so; incorporating with them those changes or interpretations which have been made by the decision of a visitor, or by the authority of a court of law¹: and sanctioning those reasonable additions to them, whether regarding the distribution of the revenues, or the practical government of the society, which have been rendered necessary either by changes of times or of circumstances, or by the absence of any distinct expression of the pleasure of the founder.

¹ The claims of poverty were always strongly enforced in the ancient statutes, and the possession of hereditary or other sources of income for life, exceeding a small sum in annual value, was made generally incompatible with the tenure of a scholarship or fellowship. (*Supra*, page 114, Note 3.) The decisions of visitors or of courts of equity before whom questions connected with this subject have frequently been brought, have generally enlarged these limits of the statutable incomes tenfold or more, to meet the great alterations which have taken place in the value of money: but it may be very reasonably doubted whether the retention of any such conditions is calculated to increase the usefulness of such institutions. For the law, if resisted, is not easily put in force, and its operation is very unequal and unjust, inasmuch as it does not take account of personal or funded property: and it should not be forgotten that the most liberal benefactors of colleges have been generally found among their wealthy members.

The claims of poverty cannot be considered in the distribution of the rewards and emoluments of a college, without affecting the credit and integrity of the distinction conferred; and we are thus confined to such modes of assistance to poor and meritorious students, whether in the form of exhibitions or gratuities, as are given by the authorities of the college, as ex-

pressions of favour and sympathy, and not as distinctive marks of honour. No one who is acquainted with the practical administration of the university can complain that such claims are ever disregarded.

It is a very common practice, however, to send young men to the university, who have no claims but those of poverty to urge, and who are thus forced by the mistaken benevolence of their patrons out of their proper sphere of life, into professions for which they are neither qualified by their habits nor attainments: and though the provisions of the ancient statutes would appear in many cases to point out such persons as the proper objects of the bounty of our foundations, yet it can hardly be considered that such a distribution of it is calculated to advance the interests of religion and learning.

The fact is, that at the period when our statutes were framed, the separation of the upper and lower classes of society was very strongly marked, and the great majority of students were only enabled to support themselves at the university by submitting to great privations, or by availing themselves of such aid as the religious houses before the reformation, and the foundations of our colleges subsequently, were enabled to afford them: and in those days, when great difficulty was found in supplying the churches with incumbents and curates of even moderate attainments

With respect to some of these questions, and more particularly those which regard the distribution of revenues, many difficulties will present themselves, affecting the equitable rights of some members of such foundations, which it is in the highest degree desirable to settle on a just and permanent basis: for the customs which determine, in the absence of statutory enactments, the proportional share of the surplus revenues which each member of the college should receive, have generally prevailed for more than two centuries, and have acquired so much of the force and authority of law, that it is rarely considered safe or expedient to depart from them. Yet there are many cases in which a different distribution would appear more completely to satisfy the equitable interpretation of the statutes. Thus when students entered college at the age of fourteen, they became fellows at eighteen, whilst still *in statu pupillari* and also *minors*; and we consequently find that they were denied the full rights and stipends of their fellowships until they had attained the degree of M.A., an arrangement which was extended to their dividends, though at no period of life would the assistance which they afford be more useful, than during the transition from youth to manhood, when they are just entering upon professional or other studies and occupations. There are few methods by which the value of fellowships would be more certainly enhanced, than by shortening or abolishing altogether those periods of probation¹: and there are few reforms in our customs or our statutes

(for in the reign of Elizabeth more than half the clergy were ignorant of the Latin language, and not one in thirty of their number understood Greek. See STRYPE's *Life of Archbishop Whitgift*, *passim*, PEPPY'S *Memoirs*, vol. v. p. 229), it was found necessary to offer great encouragement to students, even from the humblest classes of society.

The very general diffusion of wealth, and the complete graduation of the social rank and condition of the various classes of society, from the highest to the lowest, which is

characteristic of modern times, affords a more than sufficient supply for the learned professions, without the necessity of meeting the demand by a nearly gratuitous education in the university, except in those cases where extraordinary merit and industry constitute a just and honourable claim to encouragement and support.

¹ In many colleges these probationary or inferior fellowships are sub-foundations of various benefactors, which have been made stepping-stones to the fellowships of the original foundation, amongst which the surplus

which an equitable regard to the new conditions introduced by changes of habits and of circumstances would more completely justify.

The foundation scholars, also, in the arrangement of the ancient statutes, had stipends attached to them as well as the fellows, though they have very rarely shared directly in the distribution of the surplus revenues which have subsequently arisen: but it will generally be found, that they have received very liberal augmentations of income from various allowances, either in the form of commons, rents, or weekly or terminal payments. It is very doubtful, however, whether it would not be more equitable that they should receive their dividends in common with the other members of those foundations, an arrangement which would appear to be generally more conformable to the spirit of the ancient statutes, and which would associate them more intimately in affection and feeling, as members of one family, with the colleges to which they belong.

A great majority, however, of the scholarships in the university are sub-foundations, supported by separate estates, which have been left to the colleges in trust for their support alone, or chargeable with payments for that purpose¹. Whenever specific trusts have been created, and estates have been distinctly and exclusively appropriated to them, it will generally be found that they have been strictly and honourably fulfilled; but in those cases where estates chargeable with trusts, or with the support of sub-foundations, whether of scholarships or fellowships, have been merged in the general corporate property of a college, and where the increase of the original payments to the different parties con-

revenues are distributed; in some cases they succeed to the inferior fellowships by election, in others by seniority, though the form of an election may be interposed. In some colleges the equalization of fellowships which are thus connected by customary or statutable succession may be inconsistent with the original conditions of the several foundations; in others it might be effected by such a reform of the statutes as the

visitors or a court of equity would be disposed to sanction. There is no alteration of the constitution of these bodies which could be proposed, which would more effectually promote their interests.

¹ In many cases, the incomes of scholarships or fellowships are merely rent-charges upon foreign estates, which are altogether beyond the control of the colleges to which they are appropriated.

cerned in the sub-foundation has not been proportional to the increase of its revenues, some receiving their ancient stipends only, whilst others enjoy the entire benefit of the augmented rents, we shall necessarily find arrangements which we cannot conscientiously approve of, but which it is almost equally embarrassing to retain or to alter: for they will generally be found to be of very ancient date, which though not sanctioned by the express decisions of a court of law, are such as a court of law might hesitate to change. And though there are undoubtedly many cases in which the adverse interference of a court of equity might direct an apportionment of those revenues apparently more agreeable to the declared wishes of the founders, yet it would by no means follow that a new distribution of them, if made by such an authority, would be found to be more advantageous either to the objects of their bounty or to the colleges with which they were connected; more particularly when it is considered that such regulations must be framed in conformity with the strict principles of law, and must necessarily, therefore, neglect the consideration of those adaptations which the modern interests of such bodies would, in many cases, most imperatively require.

A general revision of college statutes would offer the most favourable opportunity of procuring not merely the requisite sanction of usages, which are not of statutable origin, which it may be highly expedient to retain, but likewise for the equitable adjustment of the claims which arise out of sub-foundations of ancient date, whose revenues have not been legally distributed: if the arrangements were such as combined a proper regard for the wishes of the founders (as far as they were conformable to the laws of the land), with a just consideration of those interests and claims which time and long usage and the changes in the habits of life and of society have created, they would be found to be measures of peace and security, equally calculated to calm internal agitation and to prevent external interference.

In every college there will be found real and traditional records of the practical inconveniences which have resulted from particular provisions of the statutes, against the recurrence of which it may be expedient to provide in any general revision

which they may undergo. Such evils have sometimes arisen from a spirit of minute and over-cautious legislation; sometimes from ill-defined personal rights¹; or from undue power given to the master² in elections or otherwise; or from the compulsory choice of a profession³; or from doubts and ambiguities in the language

¹ Such are the rights of succession to some offices and livings, and the various conditions which involve the loss of a fellowship or scholarship, whether from property or preferment, from notorious vice and misconduct, from not proceeding to superior degrees, or not taking holy orders within the prescribed periods, from marriage, or other occasions of immediate disqualification. On all such subjects, it is of the utmost importance to the peace and good order of a college, that no doubt or ambiguity should exist. The record of the various questions which have arisen upon them (and there is no college which does not offer a very ample catalogue) would generally form a safe guide in the proposition of such amendments in the statutes as may prevent their recurrence, as far at least as our limited powers of language and of foresight will enable us to do so. If the enactments of the statutes on such questions be just and reasonable, they cannot be too peremptory and inflexible; every personal right should be *claimed* without scruple, which the statutes authorize; none should be conceded to a forced interpretation of them.

² In Trinity College, the master, and four out of the eight seniors, can elect; or the eight seniors, if unanimous, can elect against the wish of the master; but if, after three scrutinies, neither the master and four seniors, nor the eight seniors without the master, have voted for one person, the master can nominate any person statutably qualified whom he chooses; in other words, the master, with one resolute follower,

may choose every scholar, fellow, and officer; an exorbitant power, which enabled Bentley, during many years of his life, to bully and nearly disorganize the whole society over which he presided. It would be well, in any future revision of the statutes, to modify this power, which cannot be exercised without a sensible shock to that high and pervading feeling of justice and impartiality, which forms the characteristic boast of that illustrious college.

An administrative *veto* is either expressly given to the master, or would appear to be implied, in the statutes of nearly all the colleges in Cambridge, and seems a proper incident of an office, to which the administration and execution of the laws is confided, though it should always be subject to the control of the visitatorial or some superior authority. The statutes of Elizabeth gave an absolute *veto* to the heads of houses in elections as well as in all other cases (*supra*, p. 46), and also *accumulated* upon them the administrative powers of every officer of the college; the authority, however, of this academical statute, in over-riding the statutes of individual colleges, is extremely doubtful.

³ The repeal or modification of the statutes which enforce the taking of holy orders within a limited period has often been proposed, but it may be very reasonably doubted whether so considerable a change in this part of our collegiate system is either safe or desirable. The period of seven years which is allowed for the tenure of a fellowship in Trinity College, and of six years in St. John's, subsequent to

of the statutes; or from penalties which it is difficult or inexpedient to enforce¹; or from conditions which are unsuited to modern habits and opinions². The alterations which are requisite to remove such sources of difficulty or embarrassment will rarely be found to be of such a nature as to trespass unduly upon the great principle which we have laid down as our guide in statutable reforms, which is, *to respect the specific wishes of the founder, whenever they can be clearly ascertained, and shown to be independent of the peculiar circumstances of the times in which he lived, or of the cotemporary laws of the university.*

the degree of master of arts, is nearly sufficient to enable a young man of superior attainments and ability to establish himself firmly in his professional pursuits; and the concession of a longer term would either tend to produce indecision in the choice of a profession, or to check the ardour of exertion in the prosecution of it, which is essential to eminent success. It seems reasonable, however, that this period of probation should be in all cases sufficiently long, to afford that assistance which every student, who has no means of his own, requires for his establishment in life.

It has been contended, however, that in those colleges which have been founded expressly for the promotion of theological learning, no relaxation should be allowed in the period of ordination, and no encouragement should be given to the choice of another profession; but it should be kept in mind that in times preceding the Reformation, nearly every student was an ecclesiastic, and that their studies and practice comprehended other professions besides that of theology, more particularly those of civil and canon law; and that it is not easy to transfer the obligations of a foundation, expressly made for the support of the Roman Catholic religion, to the corresponding support of the Protestant religion,

which supplanted it. It is absurd in such cases to allege the respect which is due to the wishes of the founder as an argument against such reasonable changes in the statutes which fix the periods for taking holy orders, as the interests of the college, and the fair claims of its members, might appear to demand.

In the two kindred foundations of the Lady Margaret, Countess of Richmond, we find these and other statutes in one case totally changed, whilst in the other they remain unaltered: it would be difficult to say, however, in which of the two colleges the pious wishes of the foundress had been most scrupulously observed.

¹ Such are the penalties which render the tenure of a fellowship incompatible with the possession of property above a certain annual value, which have been considered inapplicable to personal property, and which can rarely be enforced without the necessity of inquiries of a very inquisitorial and objectionable nature.

² Such are many of the regulations which prescribe the relations of the different members of colleges to each other, and the penalties, sometimes puerile and frivolous, and sometimes oppressive and unreasonable, which they impose for the violation of them.

The only portions of college statutes, as we have seen, which possess a truly important and permanent character, and which are really necessary to preserve the identity of such foundations from age to age, are those which define their constitution and government, and the personal rights of their dependent members; the remaining, and generally by far the most considerable parts of such codes consist of statutes which regulate, or attempt to regulate, the details of administration, of discipline and of education, and even the personal habits and occupations of students and all other members. Such statutes, which contemplate no changes in the condition of society, in the objects of study, or in the modes of attaining them, have become, in all cases, more or less obsolete and impracticable; and such must inevitably be the fate of all attempts to supersede the exercise of a reasonable power of adjustment to the wants and opinions of successive ages on the part of those to whom the general administration of the affairs of such bodies is confided.

The following statute of Trinity College will serve to illustrate this spirit of minute legislation, which was so characteristic of the age in which it was framed; the corresponding statute of St. John's College is more than twice as long, and still more remarkable for the trivial details of duties and observances which it prescribes.

“ Chapter V.—Of the Office of the Deans.

“ Since correctness of morals and general probity of life should be regarded in every community, we decree and ordain that there shall be two deans to give their sedulous attention to this object; both, or one, at least, of whom shall be a bachelor of theology and chosen from the seniors, and the other, a master of arts or a bachelor of theology. These shall provide for the pious, religious, and becoming performance of the worship of God, and see that all the fellows, scholars, pensioners, sizars, and sub-sizars, as they are called, attend on festival days and Sundays, at morning and evening prayers, the litany, the holy communion, and sermons; and on other days shall be regularly present at prayers between five and six o'clock in the morning. All the fellows who

are absent shall each be fined three halfpence; if they come too late, or go out, a halfpenny. All the scholars, bachelors excepted, the pensioners, sizars and sub-sizars, who are absent, if adults, that is, if they have completed eighteen years of age, shall each be fined a halfpenny; coming in too late, or going out, a farthing; but if they have not completed the year of their age above-mentioned, they shall be chastised with rods in the hall on Friday. With regard to bachelors, since they are distinguished from the other scholars in rank and degree, it is our will that they be punished in a different way, both for the neglect of divine worship, and for speaking their native language; and, therefore, we decree and ordain that they be by no means compelled to be present at the punishments on Fridays, but that the deans have their names written in a list, and carefully observe, both on festival and common days, who are absent from public worship, and who come late or go out, and fine the former a penny, and the latter a halfpenny. For speaking their native language, it is our will that they be punished in the following manner: each of the bachelors, beginning from the eldest, shall be monitor for a whole week, and have a list containing all their names; in which list he shall note down all such as speak English, both in the hall and in all other places within the college. On Friday evening, at seven o'clock, he shall carry the list to the deans, who shall fine each bachelor a halfpenny for every time that he has spoken English. On the following week, the next senior bachelor in residence shall be monitor for speaking English, and so on in succession; and he who shall have been absent from college, shall serve the office of monitor in the week succeeding his return. We consider those to come late, who arrive, at evening prayers, after the first psalm; at morning, after the *Venite*; at the litany, after the words 'O holy, blessed, and glorious Trinity;' at the communion, after the recital of the commandments. If any shall remain in the ante-chapel, and not enter the choir, they shall be punished as if they had been absent. On Fridays, always at seven o'clock in the evening, let the chastisements be inflicted by the deans, at which let all the scholars (bachelors excepted) pensioners, sizars, and sub-sizars be present. Whosoever, during

the infliction of these punishments, shall not answer to his name, when he is called, and shall not remain until they are concluded, if an adult, he shall be fined a penny; if a boy, he shall be flogged on the Saturday; and, at the same time, let them appoint six monitors, two for public worship, and four for speaking Latin, who shall carefully note down the names of all the scholars (bachelors excepted) pensioners, sizars, and sub-sizars, who shall have offended in these two particulars, and also how often they have offended, and shall bring it to the dean on the day and hour prescribed. Likewise six scholars and four sizars, who shall serve at the fellows' table, and one sizar for the organ, shall be appointed by them weekly in rotation; and if these shall fail in their duty, they shall be punished by the deans. The half of all fines shall go to the college, the rest to the deans themselves. Further, the same deans, in order that public worship may be more decorously celebrated, shall bring with them, to the first vespers of every festival, a written schedule, in which the duty which every one shall perform in that festival shall be noted down, and an inquisitor shall be named in that schedule, who shall carry it round and remind every one of the duty which he is to perform; and whosoever shall fail in his duty, if a boy, he shall be flogged, and, if an adult, he shall be fined fourpence. But if any fellow, scholar, pensioner, sizar, or sub-sizar shall be sick, or shall be prevented attending, by any cause approved by the senior dean, if present, or by the junior dean, if he is absent, or shall have obtained leave of absence from either of the deans, it is our will that he shall by no means be punished for the aforesaid causes. Further, the senior dean shall preside and moderate at the theological disputation which takes place in the chapel on Fridays, and the junior, at the disputation, in the same place, on Wednesdays. Both the deans shall not be absent at the same time from the college, except for some very weighty reason, to be approved by the master, and, in his absence, by the vice-master and the majority of the eight seniors. Lastly, neither dean shall quit the college, without leaving behind him, in his place, a trustworthy and diligent deputy, to discharge faithfully the duties of his office in his absence, and without entering his name in the

register, agreeably to the statute *de exitu ex academia*; and let each of them see, both in the chapel, and in the hall, and in the court, and in other places, that all conduct themselves with propriety, and appear in their proper vestments."

If we could recall to mind the image of Trinity College, under its statutable organization in the time of Whitgift, when the simple habits and stern discipline of our forefathers were in full operation, and when all the members of the body were placed in a true monastic subordination to each other, we should probably meet with nothing in the circumstantial details of this and similar statutes which was unreasonable or unnecessary; they embodied the most liberal and matured views for the efficient management of such an establishment, which the experience of our ancestors had enabled them to frame. Yet we have good reasons for supposing, that in less than half a century from the date of its foundation, many of the statutes had begun to be antiquated, and had ceased to be strictly and literally observed¹. And it is hardly necessary to remark that, at the present time (though the deans and all other officers are sworn to observe the statutes which relate to their offices) there is hardly a specific enactment which is contained in this long statute which is attempted to be observed. Let it not be imagined, however, that the duties of deans and other officers are either lightly regarded, or that they have lost aught of their ancient importance, responsibility, or labour; but such duties have become, from the changes of time, materially, and, in some respects, essentially, different from those which were contemplated in the ancient statutes, and they are therefore fixed and defined, as practically they always must be, and always should be, by the cotemporary authorities of the college, who frame such regulations from time to time as their current experience proves to be best adapted to enforce discipline and good order.

If the statute had simply said that there shall be a senior and a junior dean, to whom shall be committed the superintendence of public worship in the college chapel, and the enforcement of discipline and regularity of conduct amongst all persons *in statu pupillari*, under the general direction of the master and the

¹ *Supra*, page 63.

orders of the master and seniors (the governing authorities of the college), we should have had a body not of statutes but of college orders defining the reciprocal duties of deans and students, which would have been adapted to circumstances as they arose. Such in fact is the course which has practically been followed, though greatly embarrassed and disturbed by the imposition of the oaths for the observation of the statutes.

It is by observing the fate which has attended the various portions of these ancient codes, that we shall be most securely guided in the proposition of others to replace them. Thus we find that statutes which attempt minutely to define the duties of officers and students, as well as the objects and processes of education, have become almost universally obsolete, and we are consequently justified in concluding that a similar fate will attend, in the progress of time, all other statutes framed in a similar spirit, which are adapted to the existing system of the university; and it is for this reason, that it is generally desirable either to exclude such statutes altogether from an amended code, or to express them in such general language, as may be accommodated, without the necessity of forced or violent interpretations, to very extensive changes in the system of collegiate education or discipline.

An intermediate course, which has sometimes been recommended, would adapt a system of statutes to the cotemporary practices of a college, reserving to the governing authorities the power of making such changes in them as they may, from time to time, deem to be necessary and expedient. But it may be very reasonably objected to such a plan, that statutes which are thus alterable at pleasure, or without the necessity of a formal appeal to an external and superior authority, are in no essential respect different from college orders; and that the union of *dispensable* and *indispensable*¹ statutes in the same code has a natural tendency to confound, in the minds of those who are required to obey them, the great distinction which exists between them, and to cause them both to be regarded with equal neglect and irreverence.

¹ This distinction is frequently referred to in the Laudian statutes of the university of Oxford; it is well known that it has long ceased to be regarded.

In conformity with these principles, codes of statutes, designed for perpetual obligation, should describe, in very general terms, the duties of officers, as far at least as they are distinct from personal rights¹; prescribing the course of education no further than may be considered necessary to define its general object and character, and leaving the details of discipline, and of domestic administration, to be arranged, from time to time, by the cotemporary authorities of the college. They would leave the regulation of the periods of graduation, and of the exercises and examinations for degrees, to be determined by the statutes or graces of the university at large²; they would omit all statutes which prescribe domestic disputations³, and would greatly modify, if they did not altogether repeal, those which make it necessary to take B.D., or other superior degrees, conditions which have ceased to exercise any important influence upon theological and other professional studies⁴; they would change and simplify the statutes relating to public worship, whose enactments have been, to a great degree, superseded by the provisions of the Act of Uniformity⁵. Statutes, also, which, though perfectly harmless, have become antiquated and inoperative, might be advantageously

¹ The description of the duties of master, vice-master, seniors, and all permanent officers, will generally include the definition of their personal rights; annual officers, such as deans, bursars, stewards, can hardly be considered as possessing personal rights, independent of the pleasure of the authorities by whom they are appointed. In all such cases, the most general description which is sufficient to mark out the proper provinces of such officers will be all that the statutes should include.

² Those statutes were generally introduced for the purpose of remedying the great abuse of dispensations for degrees, which had been very prevalent before the statutes of the twelfth year of Elizabeth (*supra*, p. 49); their retention in codes of college statutes interferes with the exercise of the

proper legislative powers of the university.

³ Such domestic disputations have long been discontinued, and it would be in vain to attempt to revive them, even if their revival was desirable.

⁴ This is the case (sometimes with one or two years of licence) in St. John's, St. Peter's, Corpus Christi, Queen's, Emanuel, and Sydney Colleges; it is only in the two last cases that this provision can be referred to the specific will of the founder.

⁵ The Act of Uniformity prescribes the use of the morning and evening prayers of the Church, without addition or diminution, in our college chapels, and its injunctions are almost universally obeyed. But it may be seriously doubted, whether the use of shorter forms of prayer, except on Sundays and festivals, such as have

omitted, as naturally tending, by the ludicrous associations which they sometimes call forth, to diminish the respect with which the really effective statutes should be regarded¹; the same remark applies to all statutes, which, though not inoperative, are distinctly opposed to modern habits, or which have ceased, from the operation of any general causes, to fulfil the objects which were designed by their enactment².

The statutes of colleges have generally defined the number

been sanctioned by the Bishop of London at the East India College, Haileybury, and in King's College, London, so as to make those services approximate in their character to family worship, might not be advantageous to the cause of religion and good order. It is quite true that the public worship of the Church is no where more decorously or more solemnly performed than in our college chapels: but those persons who have been most intimately concerned with the superintendence of young men at the university will be best able to appreciate the painful measures which are not unfrequently necessary to secure regularity of attendance. There is little doubt but that the substitution of a shorter service would remedy many evils of a very embarrassing and distressing nature.

We are quite aware that the subject which we have ventured to touch upon is one of great delicacy and difficulty, and that the change which we have recommended may be more safely adopted than discussed. But the question is one of great practical importance, both as regards the maintenance of discipline and the developement, in the minds and habits of students, of feelings of respect and reverence for religion and for the beautiful and comprehensive public services of our church: we feel satisfied that the proposed change would be found to be favourable to both.

¹ Such is the statute of Trinity College, *De Comædiis Ludisque in Natali Christi exhibendis*, performances which exercised an important and a very beneficial influence upon the classical taste and knowledge of our ancestors. A very interesting account of them is given in the *Cambridge Portfolio*, page 103. The Statute *De vitandâ peste et aeris contagione*, directs the senior dean, the lector primarius, as many of the fellows as please, and all the scholars, to retire to a house in the country, with one butler, one cook, and a scullion, to wait upon and provide for them, where they are to carry on their studies and exercises according to the statutes; the observation in the text applies to large portions of many other statutes.

² This principle, however, should be applied with great caution, and with due regard to the wishes of founders, when unequivocally expressed. Yet public policy may sometimes be most justly pleaded, with a view of terminating the unlimited control which the law commonly allows to founders over the application of their foundations, as has been done in the case of founding hospitals and other institutions, which are calculated less to relieve distress than to give encouragement to vice and improvidence; it might be most advantageously urged in favour of fundamental alterations in the destination and management of many of our parochial and other charities.

and duties of college servants, even in the humblest capacities; it is rarely expedient, however, on many accounts, to invest such persons with the authority of a statutable election; their appointment and the regulations respecting them might be, in all cases, most safely intrusted to the governing authorities of a college¹.

Codes of statutes, framed or remodelled upon the principles which we have recommended, would leave nothing ambiguous or undecided, as far as concerns the constitution and government of a college, the distribution of its funds, the forms and conditions of elections, and the personal rights of all its members; but they would, at the same time, intrust to the governing authorities the regulation of the course of education and discipline, and administration, which, though highly important, cannot remain unchanged for a long period of time, without serious detriment to the great objects of such foundations. Such codes should exclude all statutes which are either not designed, or not competent, to exercise a lasting and effective obligation upon those those who are subject to their operation; and though the expressed wishes of founders may, in some cases, render it necessary to retain provisions in them, which are not such as are best suited to promote the interests and usefulness of their foundations; yet a higher and more pervading principle would forbid us to invest with the character and solemnity of an oath any statute, whether given by a founder or not, to which it is impossible to render a strict and entire obedience.

¹ In the *Distributio* of Trinity College, it is said, "*Sint famuli collegii 14; unus registrarius, unus custos sacelli, unum mancipium, janitor unus, coqui lotrices tres.*" A formal and public appointment of an inferior servant is generally found to be injurious to the promptitude and efficiency of his service.

CHAPTER IV.

ON THE REFORM OF THE STATUTES OF THE UNIVERSITY.

THE statutes of the university, as they appear in the authoritative code of the 12th of Elizabeth, may be divided into two great classes.

1st. Those which define the periods and conditions of graduation, and the general course of academical lectures and education.

2nd. Those which define the constitution of the university, the authorities and duties of its officers, their modes of election, and the privileges of members of the senate.

To the first class belong the first thirty-two statutes, with the exception of the 20th and 21st; to the second nearly all the remainder.

Nearly all the first class of statutes, those fixing the periods of graduation excepted, are obsolete, like the corresponding statutes in the colleges, and for the same causes: the others, respecting generally personal rights, are, for the most part, in effective operation¹.

The periods of graduation have remained generally unaltered under the operation of the 21st statute, which imputes perjury to the members of the Caput, who allow a grace to be submitted to the senate for admission to any degree (unless in the case of *nobiles* and *quasi-nobiles*), where the statutable conditions of *time* and *exercises* have not been fulfilled². The conditions of *time* are too palpable to be altogether evaded: those of *exercises*, though formally retained, have long since been practically abandoned.

The repeal of this statute would restore the ancient franchise of the university³, and enable it to confer degrees upon such conditions as a grace of the senate should fix; it is a privilege possessed by every other university in Europe.

¹ *Supra*, p. 49.

² *Supra*, Note 2, p. 9, and p. 85.

³ *Supra*, Note 1, p. 50. Such a repeal would supersede generally the necessity of mandate degrees. This

privilege is possessed not merely by the university of Oxford, but likewise by the university of Durham, the most modern, and the least considerable, of our academical foundations.

Granting the expediency of conceding this very important privilege, which few persons will be disposed to dispute, it remains to consider the extent to which the power of legislation should be further restored to the university, on other matters affecting its constitution and government, its studies, and its interests generally.

The Elizabethan statutes allowed the university to make new statutes, "for the increase of learning, and the preservation of discipline and good conduct among scholars, provided they neither detracted from, nor interfered with, the royal statutes." And the question is, whether it is expedient, in case the Elizabethan code should be re-modelled under the joint authority of the crown and the university, to impose the same restriction upon all its enactments, or to allow them to be modified, from time to time, by graces of the senate, in such a manner as changes of circumstances or of opinions might appear to require.

If we assume, for the sake of argument, that the fundamental laws of the university, when once sanctioned by the crown, should not be altered without an appeal to the same authority, it will remain to consider what are the classes of laws or statutes which should be included in a code framed with a view to its possessing such a character of permanence and stability as would exempt it from the probable necessity of frequent and important changes.

The *indispensible*¹ parts of such a code would prescribe the constitution of the legislative body of the university, the forms of election of permanent and annual officers, their general functions and privileges, the constitution and power of academical courts² and of courts of appeal from their decisions. But they would omit generally minute descriptions of the duties of officers or of bodies,

¹ The Laudian statutes of the university of Oxford were distributed into classes, as *dispensable* and *indispensible*, or such as were capable of being repealed or not repealed by a vote of Convocation: we believe, however, that this distinction has not been very nicely regarded in the framing of the examination and other more recent statutes.

² The functions of the Court of the

High Steward are obsolete, and the Court itself might be safely suppressed; those of the Court of the chancellor, or, in his absence, of the vice-chancellor, are in constant operation in matters of discipline, though not often in other cases. It is highly expedient that its powers and forms of proceeding should be more strictly defined.

considered apart from their personal rights or collective privileges¹, and they would leave the regulation of the course of education, the conditions and periods of graduation, the system of academical discipline, the distribution and expenditure of academical revenues, and all the details of administration, to be provided for by a *code of graces* or of *dispensable statutes*, which would be alterable from time to time by graces of the senate, whenever circumstances might appear to require it.

The *obsolete* and *effective* parts of the Elizabethan statutes, as we have before observed, would appear to have corresponded generally, at the period of their enactment, to the proposed codes of *dispensable* and *indispensable* statutes. Time has thus made sufficiently manifest, by the fate which has attended the most elaborate systems of ancient statutes, what are the proper objects of permanent legislation, both in colleges and universities.

We shall now proceed to enumerate some of the principal statutes which these respective codes should contain, and to notice some of the leading points, in which it seems expedient that they should differ from the existing statutes and graces, or bye-laws of the university.

The Code of indispensable statutes should provide for the election of the chancellor², high steward³, vice-chancellor⁴, proctors⁵, public orator⁶, scrutators⁷, registry, taxors⁸, moderators, auditors⁹, bedells¹⁰, the professors (if founded and appointed by the university), the Caput Senatus¹¹; leaving the appointment of inferior officers and servants, who are, or should be immediately removeable

¹ This distinction between official duties and official rights is one of considerable importance, though not very easily defined; thus it is the official right of the proctors to use the powers given to them by prescription, or charter, or statute, to enforce the discipline of the university; but it is the official duty of the same officers to enforce the specific rules of discipline which the superior authorities of the university may prescribe.

² *Stat. 12 Eliz.*, cap. 33.

³ The High Steward is not mentioned in the Elizabethan statutes; he is elected by grace, according to the ancient practice of the university.

⁴ *Stat. 12 Eliz.*, cap. 34.

⁵ *Ib.*, cap. 35.

⁶ *Ib.*, p. 123; *supra*, p. 46; he is now elected by nomination.

⁷ *Ib.*, cap. 36.

⁸ *Ib.*, cap. 37.

⁹ *Ib.*, cap. 39.

¹⁰ *Ib.*, cap. 38 et 40.

¹¹ *Ib.*, cap. 41.

for negligent or improper conduct, to the vice-chancellor, or their immediate superiors¹. It should define, likewise, the rights and privileges of those officers², leaving their specific duties to be prescribed by the Code of Graces. It should prescribe the constitution of the senate or legislative body of the university, defining the rights of its members, and the precise forms to be observed in originating, amending, and passing graces³. It should determine, also, the precise powers of the heads of houses as assessors of the vice-chancellor, and as interpreters of the statutes⁴. It should define the powers and forms of proceeding of the vice-chancellor's court, and of the court of appeal from it, as well as the mode of appointment of the delegates⁵. It should likewise contain a declaration of the general rights of the university, particularly in conferring degrees, whether dependent upon prescriptive usage, royal charters, or the statutes of the realm.

We shall now proceed to notice, in some detail, the principal points in which we think it expedient that this proposed new academical code should differ from the provisions of the statutes of Elizabeth.

ELECTIONS.—There are three principal modes of election which are used in the university, namely, *more burgensium*, by *nomination*, and by *grace of the senate*.

The first is followed in the election of the chancellor, of members of parliament, of clerks to university livings, and of some professors, and is a species of *open poll*, where the members of the senate present written or printed tickets, signed with their names, to the vice-chancellor and his assessors, who act as scrutineers, and where the election is decided by the majority of votes.

In the second mode of election, the heads of houses nominate two candidates, one of whom is chosen on the following day by the majority of votes of the members of the senate, given as in the election *more burgensium*; the vice-chancellor, public orator, registry, bedells, and the inferior officers of the university generally, are chosen by *nomination*.

¹ *Stat. 12 Eliz.*, cap. 40.

² *Stat. 12 Eliz.*, cap. 42, 43, 44, 41, 38; in these statutes rights and duties are not distinguished from each other.

³ *Stat. 12 Eliz.*, cap. 21.

⁴ *Ib.*, cap. 38 et 40 ad finem.

⁵ *Ib.*, cap. 38.

The third form of election is used in the appointment of the high steward, and of some professors; it is a simple grace of the senate, which passes through the customary forms. If there are more candidates than one, graces may be offered for each of them in succession; if all of them are rejected, no appointment takes place.

There are some sub-varieties in these different modes of appointment; thus in the case of the proctors, taxors, and scrutators, the nomination of the heads is replaced by the nomination of the several colleges according to a prescribed cycle, which was fixed in its present form in the year 1661. It is an arrangement which is well calculated to preserve the peace of the university, by securing a just distribution of these annual appointments (where distinguished attainments are neither looked for nor required) amongst the different colleges¹.

Elections by nomination were formerly much abused, the heads of houses coupling an unworthy or unpopular candidate with their favourite nominee, and thus superseding or perverting the choice of the general body of the senate². The force of public opinion, which of late years has been so powerfully felt in every department of our academical administration, has greatly checked, if it has not altogether destroyed, the disposition which once existed to abuse the exercise of a statutable privilege. The recent nominations have been perfectly unexceptionable.

Elections by grace may become altogether impracticable, either from the great numbers of the voters who present themselves³, or from the constitution of the senate. There seems no

¹ In this cycle, King's College has the same number of turns with Trinity and St. John's (11 in 51) a distribution which would be more just if the number of its dependent and independent members was proportioned to the greatness of its endowments. The addition of Downing College to the university would seem to require, at no distant period, a revision of this cycle.

² Cases are upon record in which the unpopular candidate was subsequently chosen, in resentment of the

attempt thus made to exclude the members of the senate from the legitimate exercise of their rights.

³ There are nearly 3000 members of the senate, and in case of a contest which created very general interest, the regents and non-regents who would present themselves, would probably be too numerous to be seated simultaneously in their respective portions of the senate-house, or even in the entire building; a condition which is essential to the collection of their *placets* and

remedy, under such circumstances, but to pass a grace of the senate to change the form of election, for the particular occasion on which the difficulty has occurred. This expedient was adopted in the recent election of high steward.

The general change of the different forms of academical elections into the single form of election *more burgensium*, would seem the most obvious reform which the statutes relating to them should undergo; but a serious objection would be felt, in many instances, to such an alteration, as calculated to give a preponderating influence to the larger colleges. It was the operation of this feeling which occasioned, some years ago, an attempt on the part of the heads of houses, to extend the principle of *nomination* to the election of some professors who had previously been chosen *more burgensium*, and which led to a long and expensive litigation¹. It is not expedient, however, to connect the general reform of our statutes, which is so urgently required, with the discussion of propositions which would inevitably re-animate feelings of distrust and irritation amongst the different members of our corporate body.

Admitting, therefore, that there exists no sufficient reason, under the existing circumstances of the university, for any considerable change in the forms of election to those annual or permanent offices which are held by members of the senate, yet there are several inferior, and not unimportant appointments, in which the responsibility of the choice might be advantageously thrown upon their official and immediate superiors: such officers are the keepers of the library, museums, and public collections, the assistant observers and university servants generally, who are now appointed by *nomination*, under the general provisions of the 40th statute, a form of appointment so formal and so public, as to

non-placets by the proctors or scrutators. A capricious exercise of the *veto* by any member of the caput, or a difference of opinion between the regents and non-regents (a very probable result, and one of very frequent occurrence) would prevent the possibility of the election, and would amount to a suppression of the office.

¹ This litigation was closed by a reference to Sir John Richardson, who restored, in the disputed cases, the ancient academical mode of election by grace; the question affected the professorships of mineralogy, chemistry, and anatomy, which had been founded by the university.

invest it with such a character of permanence, as render it extremely difficult to dismiss them for incompetence or neglect of duty. In all such cases it would contribute materially to secure prompt and efficient service, if all such persons received their appointments from the vice-chancellor and superior officers or syndicate, under whose orders they are required to act, and at whose pleasure they should be, in all cases, removeable.

OFFICERS, THEIR FUNCTIONS AND RIGHTS.—If we should confine our revision of those statutes of the Elizabethan Code, which define the powers and functions of the chancellor or vice-chancellor, proctors, bedells, and other officers¹, to the simple retrenchment of what is obsolete or useless, we should leave very few fragments of them remaining; for it will be found that they chiefly consist of provisions for enforcing the cotemporary discipline, studies, and exercises², of the university, taking little or no notice of the privileges which those officers had enjoyed before the promulgation of the new code, whether derived from the ancient statutes, royal charters, or prescriptive usage. In framing new statutes, therefore, we should endeavour to define the rights and powers of those officers so distinctly and unambiguously, as to leave no doubt with respect to the nature and the limits of the authority which they are allowed to exercise; the subjects of such authority being left generally to the code of graces.

VICE-CHANCELLOR.—The custom as well as the statutes of the university have attached to the office of vice-chancellor a great variety of incompatible duties. He is the chief and almost the sole administrative officer of the university, all others being

¹ Such are statutes 42, 43, 44, 41, and 38. There is no mention in the Elizabethan statutes of the office of high steward, registrar, librarian or moderator.

² The only portion of the long statute (43) *De officio procuratorum*, which is not obsolete, is the following, "Procuratores in matriculatione præsentent et officium suum diligenter facientes singulis matriculationum diebus tres

solidos et quatuor denarios ex pecunia matriculatoriâ accipient." The rest of this statute relates to the superintendence of public exercises and disputations, and the imposition of penalties for neglect of attendance.

The statute relating to the esquire bedells, as far as it involves their personal rights and responsibilities, is still in operation, but not as regards their mode of appointment.

placed under his immediate direction and control: he summons and presides at all congregations of the senate, and gives admission to all degrees; he presides at the meetings of every syndicate, however numerous and laborious they may be; he proposes and decides nearly every academical prize, and assists at all examinations for university scholarships and medals; he is the judge, either by himself or with the other heads of houses as his assessors, in all complaints brought before him by the proctors and other officers, whether relating to members of the university or others, in cases which are subject to his jurisdiction; he examines and grants every licence, including the lodging-houses of students and the public-houses of the town; his sanction is necessary for every exhibition in the town, and for every public proceeding in the university; he is the public host, and gives public dinners in succession to all the resident graduates in the university¹; he manages the public and trust estates and finances of the university, ordering and superintending every repair, making every payment, and keeping, verifying, and balancing the entire accounts of receipt and expenditure during his year of office.

A necessary consequence of this accumulation of duties upon one person is the neglect or incompetent performance of many of them; for it can rarely happen that this important office can be filled by a person who possesses such an intimate knowledge of the laws and customs of the university, such varied scholarship and learning, such a perfect mastery of the details of business, and such unwearied industry and activity, as to be able to meet the demands which are made upon him by such severe and distracting labours: and we consequently find, when the reins of our academical government are intrusted to hands which are not sufficiently experienced and vigorous to guide them, that the progress of important measures is stopped or retarded, the finances

¹ These entertainments might be wisely discontinued. The income of the university is totally inadequate to the proper support of its library, museums, and public establishments, and every source of expenditure which is foreign to such objects, should be rigorously forbidden; the duty of hospitality and of public charity (more particularly grants for religious and other societies) might be safely left to the private colleges.

neglected or mismanaged, and the general interests of the university very seriously and permanently injured. That this description is not overcharged, those persons who are most intimately acquainted with the past history of the university will be best able to judge; but the responsibility of such abuses rests upon the law, and not upon its administrators, when it imposes duties which cannot be fulfilled under the ordinary conditions of humanity.

A simple and effectual remedy would be provided for nearly all those evils, if the labours (omitting the management of the finances) which are usually assigned to the vice-chancellor alone, were distributed between the vice-chancellor and two pro-vice-chancellors, whom he should nominate from those heads of houses who have already served the office. To the vice-chancellor himself would be assigned the public representation, as well as the judicial and ordinary routine duties which are incident to the office. To one of the pro-vice-chancellors might be assigned the very laborious and important duty of presiding at all the syndicates; to the other, the task of adjudicating prizes, and of conducting the public examinations for medals and scholarships. Such an arrangement would not detract from the proper dignity of the office of vice-chancellor, though it would greatly diminish its labour and responsibility, and would appear to offer a sufficient safeguard for that steady and vigilant administration of the affairs of the university, which its interests so imperatively require.

The management of the estates and finances of the university, the superintendence of the public buildings, and the various details of academical receipts and expenditure, might be very advantageously intrusted to a university bursar, under the general control and authority of a syndicate of accounts. Such a person would probably be selected on account of his peculiar qualification for this duty, and would be enabled to devote such a constant and vigilant attention to all the details of the financial administration of the university, as could not reasonably be looked for in the case of an annual officer, to whose management so many other important concerns are confided.

The accounts of the university, according to the present prac-

tice, are audited annually by proper officers appointed at the beginning of the academical year¹. These audits take place at very irregular periods², and no abstract of the receipts and expenditure, or of the state of the funds of the university, is ever published or even communicated in any way to the members of the senate. It would constitute one of the most salutary reforms of the administration of the university, if the annual accounts were audited at fixed periods, and the condition of the funds of the university made known to the public at large³.

¹ *Stat. 12 Eliz.*, cap 39.

² The vice-chancellor is elected on the 4th of November, but all the books of accounts, and some portions of the banker's balance, likewise, are kept in the hands of his predecessor until his audit is completed, which rarely takes place before the month of April or May following; it thus happens that the most busy and important part of the year of office of the vice-chancellor is concluded, before he can be made acquainted with the state of the finances of the university, which he is required to administer; it is hardly possible to conceive an arrangement more injurious to the best interests of the university.

³ The funds of the university are essentially *public* funds, designed for public uses, differing altogether from those of private colleges and ecclesiastical bodies, which are appropriated, after all statutable and other payments are made, to the exclusive benefit of the members of the corporation. And it may be safely assumed as a principle, to which few, if any, exceptions can be stated, that publicity of the accounts of the receipts and expenditure of public bodies, affords the only satisfactory security against inefficient or improvident administration, when the administrators possess no personal interest in the results of their labours.

Is the university on the verge of

bankruptcy? Is its income equal to its current expenditure? What is the average amount expended annually for lawsuits, for salaries of public officers, for the conduct of examinations, for repairs of public buildings, for the incidental expenses of the establishment? What is the state and what are the prospects of the public press? These are questions which every member of the senate should be able to answer before he sanctions, by his vote, the grant of money, whether for domestic or foreign objects, from the public chest; but it is well known that there are not five persons in the university, besides the heads of houses, who can give a correct answer to one of them, for there is no published abstract of the accounts of the university, and none which is generally accessible to those who may seek for information.

We fully believe the financial concerns of the university to be managed with the most scrupulous integrity, and with the most anxious desire to do justice to its interests; but we object to a system of concealment which keeps the whole body of the university in profound ignorance of the state of its affairs; which prevents the action of public opinion upon the various sources of expenditure; which totally disqualifies the members of the senate from exercising a proper judgment upon many of the questions submitted

BEDELLS.—There are some parts of the duties of the bedells which might be more becomingly intrusted to other hands;

to them, and which naturally tends to give authority to the most exaggerated estimates, on the part of the public at large, of the wealth of the university and of the salaries of its officers.

The revenues of the university, very roughly estimated, derived from estates (about 1400*l.* per annum), from fees (about 2000*l.* per annum), and from the profits of the press (of very uncertain amount), are not believed to exceed 5500*l.* per annum, whilst the necessary expenditure (not provided for by specific fees or from permanent sources) is near 4500*l.*; the small excess that remains is not sufficient to meet the extraordinary expenses for lawsuits, addresses to the crown, and other objects, not including the additions to our public buildings and museums, which are so urgently required. The necessary consequence of this very inadequate income and great expenditure has been the entire dissipation of the funded property of the university; and during the last year (a precedent full of danger to the highest interests of the university), the appropriation of funds raised for specific purposes (the supply of books to the library), to meet the engagements of the university.

The adoption of the following recommendations would tend to check the further progress of this rapid decline of our academical resources, and to provide for every just and reasonable expenditure which the interests of the university may require.

1st. To confine the expenditure of the university rigorously to academical objects.

2nd. To make such additions to the matriculation and other fees, as may be fully equal to the ordinary expenditure of the university.

3rd. To provide, as far as possible,

specific funds to meet specific sources of expenditure.

The adoption of the first of these recommendations would put an absolute stop to all eleemosynary expenditure, whether in the form of grants of money to religious or other societies, to public or private charities, and to foreign objects of every kind, however urgent and imperative their claims may appear to be. The only security against such grants, upon which large portions of our funds were formerly expended, is the adoption of a principle which shall preclude all discussion of their merits; otherwise the feelings of the day, whether they present themselves under a political, religious, or charitable form, will generally vanquish all prudential considerations, more particularly when opposition to such grants is likely to be stigmatized with the imputation of indifference to the very excellent objects which they are usually designed to promote.

The principle which we are advocating was asserted most explicitly in the following address to the senate on the 28th of November, 1836, upon a proposition for granting 300*l.* in aid of the fund for building churches in London.

“To the Members of the Senate.

“It being generally understood that it is intended to propose a grace to the senate on Wednesday next, for the purpose of granting 300*l.* in aid of the fund for building churches in London, we the undersigned members of the senate beg to state, in the most respectful manner, our objections to this and similar grants of money from the university chest.

“We cannot help considering such grants made by the university for external objects as misapplications of its

whilst the only remaining duty of arranging the proceedings in the senate-house might be sufficiently discharged by a single officer under another name.

funds, more particularly so, when it is notorious that such funds are insufficient to meet the pressing necessities of the university itself, and to effect some of the most important purposes of its existence.

"When applications are made to members of the university for assistance in objects of charity, or in undertakings connected with the interests of the Established Church, or of education in other places, we consider that the more proper channels for such contributions are the colleges, since grants of money from those bodies are made at the expense of their members, and not of other parties, and they entail no sacrifice, as do grants from the public chest, of other objects which may be essential to the character and utility of the university.

"Considering likewise the appeal which has so recently been made to the members of the university and the public at large for subscriptions in aid of building a new library, museums, and lecture-rooms, and which has been responded to in so liberal a manner, it appears to us that the proposed grace is altogether inconsistent with the declarations of the poverty of the university, which not only justified that appeal, but were the foundations of its success.

"We admit, to the fullest extent, the high claims to the support and co-operation of all friends of the establishment which this design for building additional churches possesses, but we cannot on that account think that it should be supported by a grant from funds which are appropriated to other purposes, and which, if given, are given in a manner which requires no sacrifice on the part of the donors.

"We consider, also, that it is desirable to protect the university from similar applications, which it is difficult to refuse, for fear of a misconstruction of the motives of its members: more particularly upon occasions on which any strong public feeling is excited. And we think that this would be most effectively done by resisting a grant from the university chest, in favour of an undertaking, the excellence of which every member of the senate is ready to admit, and which most of them are willing to support by their individual contributions."

This grant in favour of an object of truly national importance, was accordingly negatived, and it was generally understood that no attempt would ever again be made to divert the funds of the university from their proper objects; these reasonable anticipations, however, have, unhappily, not been verified, for in the month of May last, a grant of 200*l.* to the National Society, (at that time in collision with the government) was sanctioned by a vote of the senate.

The principle of this recommendation might very advantageously be extended to the rigorous prevention of all interference with the municipal authorities of the town, beyond what is strictly necessary for the maintenance of academical discipline. If the proctors continue in the free exercise of all their prescriptive rights; if offending parties, whether tradesmen, inkeepers, or other persons, be still liable to be *discommoded* by the vice-chancellor and heads of houses; if the magistrates of the university continue to possess concurrent jurisdiction with those of the town, in police charges which affect students of the university;

It is quite true that this office was formerly one of great importance, labour, and profit, and has been honoured in ancient times, but never more than at the present moment, by the great

if a sufficient control is secured to the university in the expenditure of funds contributed jointly with the town for common objects (such as paving, lighting, and cleansing the streets); we may justly regard the possession or exercise of other powers as not merely useless, but mischievous, as tending to secularize the university, to encourage the habit of petty meddling with the affairs of the town for political and other objects, to perpetuate those feelings of jealousy and irritation which too frequently attend such a relation of authority as exists between municipal and academical officers, and to furnish materials for endless and ruinous litigation. It is on these accounts that we should rejoice to see the foundation laid for a better understanding between the town and university, by the unconditional abandonment of the assertion of every useless or offensive privilege; intrusting the licensing of public-houses, and the adjudication of complaints affecting students to their common magistrates; confiding the regulation of weights and measures to the provisions of the general law; and abolishing all public acts expressive of a degrading subordination of authority, which have had their origin in barbarous times, and which have unhappily survived as memorials of the triumph of one party, and the punishment of the other.

The adoption of this principle of appropriating the funds of the university exclusively to academical objects, would appear to be, in some respect, a necessary preliminary to the imposition of new taxes or fees for the regulation of the resources of the university. For it is neither expedient nor just to make students contribute to

support an expenditure which is not directly calculated to afford them increased opportunities of deriving benefit from the university as a place of education; but if funds be required for the purpose of providing superior means of instruction, capacious lecture-rooms, well-stored libraries and museums, or for securing the services of teachers of the highest eminence in literature, science, and art; contributions will be both willingly and thankfully made, not by students only, but by their parents and guardians, who would consider that they were thus purchasing an invaluable privilege, and not supporting an oppressive and unreasonable burden.

An increase of the matriculation fee from 2*l.* 10*s.* (of which only 1*l.* 5*s.* goes to the university chest) to 5*l.*, and a *terminal* payment of 1*l.* from every *resident* member of the university, would produce an income of nearly 5000*l.* per annum. Such an addition to our present resources would enable the university to provide for the proper maintenance of her present establishments, and likewise for making, from time to time, such new collections, or erecting such new buildings, as may be found to be necessary to give full developement to her system of education.

We are aware that many persons object to the imposition of new burdens upon students at the university, as adding to the expenses of academical education, which are already so great as to cause very general complaint; but it should be kept in mind that this is rather a question of degree than of principle, and that there are few students at the university so poor or so unsupported as to feel a contri-

attainments and distinguished characters of those who have held it; but it is impossible not to feel that the ancient and statutable duties of the bedells have become altogether obsolete and useless, and that the proper state and dignity of the chancellor or vice-chancellor's office may continue to be sufficiently supported by other means.

CONSTITUTION OF THE SENATE.—Graces of the senate are first approved by the *Caput Senatus*², (each of whose members has a separate *veto*,) and are subsequently submitted, first, by the scrutators to the house of non-regents, and, secondly, by the proctors to the house of regents; they may be negatived at any one of these stages: no amendments can be proposed, and no discussion is allowed. There are various administrative regulations to secure due publicity to the measures which are submitted to the senate.

The *Caput Senatus*, or some similar committee, would appear to be necessary for the purpose of scrutinizing the conditions of graduation and the terms of the graces which are submitted to the senate, and a previous *veto*, or some power of arresting, at least for a time, the further progress of measures which had not

bution of 3*l.* per annum to be an intolerable burden. The necessary expenses of university education bear a very small proportion to those which are incident to the habits of life of the great body of the students who belong to the wealthier classes of society; and the inevitable tendency of a greater extension of the professorial system, which should partially supersede the necessity of private tuition, and which would supply additional motives to students generally for the rational employment of their time, would be the reduction of those innumerable expenses which have their sources in idleness and inoccupancy.

If such a scheme of contribution were adopted, it might be expedient to appropriate to the different establishments of the university such sums as would be generally sufficient to main-

tain them in a state of efficiency and completeness. Such are the observatory, the botanic garden, the museums of anatomy and physiology, of botany and natural history, of geology (including palæontology), and mineralogy. Our collections of art are sufficiently provided for by the funds of the Fitzwilliam Museum: our public library by its own funds and the tax of 6*s.* per annum paid by nearly every member of the university. We might venture to hope, likewise, under such circumstances, for the repayment of the sum of nearly 5000*l.*, which has lately been diverted from its proper primary destination of purchasing books, to the completion of the engagements of the university for building and fitting up the new library.

¹ *Statuta* 12 *Eliz.*, cap. 38.

² *Supra*, p. 46.

been sufficiently considered, would seem to be a natural incident of their office. It seems unreasonable, however, to give this *veto* to every individual member of the *caput*¹, and not to confine it to the majority of the entire body; for it has been found by experience, even in very recent times, that the influence of public opinion has not been sufficient to prevent the capricious exercise of this power, even in the case of measures which had been brought before the university, upon the deliberate report of a syndicate, which had been appointed by the senate for that purpose.

The distinction between regents and non-regents, which was formerly of so much importance, has altogether disappeared in modern times, except as a statutable qualification for the tenure of certain offices, and there appears no sufficient reason for continuing to recognise it in any future revision of the statutes. If the proposed reform should advance one step further, and incorporate the two houses of regents and non-regents into one, it would greatly simplify the constitution of the senate, very materially shorten the transaction of academical business, and furnish more certain means of ascertaining the opinions of the members of the university upon any question which might be submitted to them. The adoption of this very desirable change would involve the sacrifice of no personal rights which are worth preserving².

HEADS OF HOUSES.—The heads of houses are the assessors and administrative councillors of the vice-chancellor, and possess many other privileges, which have been elsewhere enumerated³; and there seems no sufficient reason for proposing any material change in the rights which they now enjoy. There is, in fact, no other body of men in the university with whom the exercise of such powers could be so safely and advantageously lodged.

¹ The theory of the separate *veto* of the members of the *caput* has been conceived to be the protection of the interests of the bodies which its several members represented: but it is more than doubtful whether the exercise of this power, with such a view, against the wishes of the great body of the senate, would not be the precise contingency against which the statutes should

provide. There is no spirit which is generally more narrow and exclusive than that which characterizes a small faculty in every large body.

² Doctors in all faculties (of more than two years standing), have the privilege of voting in either house of regents or non-regents, provided they do not vote in both.

³ *Supra*, page 45.

SYNDICATES.—The superintendence of particular departments of the administration of the affairs of the university has been usually delegated by the vice-chancellor under the authority of the senate, to *syndicates*, some of which are permanently constituted, and the others appointed for the discharge of a limited trust, or for reporting to the senate upon a particular subject of inquiry. The syndics of the press are appointed by a grace of the senate, upon the nomination of the vice-chancellor, and retain their appointment for life¹. The syndics of the library are the heads of houses, doctors of all faculties, the professors, orator, proctors, and scrutators. The syndics of the Fitzwilliam Museum are appointed to superintend the magnificent building which is now erecting for the reception of the various treasures of art bequeathed by its noble founder. The syndics of the observatory are appointed from year to year by a grace of the senate. Other syndicates are appointed by grace of the senate, upon the nomination of the vice-chancellor, as the occasions for their services arise.

There is no part of the practical administration of the university which requires a more fundamental reform than the appointment and constitution of syndicates. If the syndics are appointed for life, the majority of their number (who are generally permanent residents like heads of houses) become inactive from old age, want of zeal or aptitude for their functions; if they are composed of official members, they become negligent or indifferent from not being distinctly appointed for the discharge of a specific and important duty; if their numbers are small, and their existence permanent, they are apt to be influenced by the exclusive and jealous spirit which is too frequently attendant upon the secure possession and long exercise of power. But the most serious objection to the constitution of our syndicates, whether permanent or occasional, is the exclusive presidency of the vice-chancellor, who is prevented, by his other duties, from devoting that amount of

¹ The present syndics of the press consist of *fourteen* heads of houses, three professors (divinity, civil law, and Greek), and the principal librarian (Mr. Lodge); there are some other members of it, who are altogether non-resident. It obviously requires to be completely reconstructed.

time and attention to their deliberations, which is necessary for the proper discharge of their functions. The appointment of a pro-vice-chancellor, as we have before suggested, with no other official duties, to preside at the meetings of all the syndicates, would add greatly to their usefulness and efficiency.

It might be expedient, in adopting measures for the reconstruction of the permanent syndicates, to fix the number of their members, vacancies being filled up as they occur; to provide that a certain number of their members shall retire every year, the vice-chancellor, pro-vice-chancellor, and the official head or heads of the department which the syndicate is appointed to superintend, being official members; to appoint fixed days of meeting, besides occasional meetings summoned by the pro-vice-chancellor, for the dispatch of special business; to require annual reports of the state of the departments entrusted to their care, as well as occasional reports whenever circumstances may require them.

Permanent syndicates might be advantageously appointed for the following departments:—

1. Syndicate of accounts; the official head, the university bursar.

2. Syndicate of the press; the official head appointed by the syndics.

3. Syndicate of the library; the official head, the principal librarian.

4. Syndicate of the Fitzwilliam Museum; the official head appointed by the syndics.

5. Syndicate of the observatory; the official head, the Plu-
mian professor, who is also official observer.

6. Syndicate of the museums of anatomy, physiology, and medical science; the official heads, the professors of those departments of science.

7. Syndicate of the museums of geology, mineralogy, botany, and natural history; the official heads, the professors of those departments of science.

To these permanent bodies might be added a syndicate of studies, composed of the heads of houses, professors, proctors,

moderators, and examiners for the classical tripos, to whom should be referred, in the first instance, all plans for changes in the conduct and distribution of academical studies. Such a body would bring into immediate and official communication with each other those whose statutable duty it is to watch over the general welfare of the university and also those who have the greatest and most immediate concern in the successful prosecution of the special and professional, as well as general, studies of the university; it would tend likewise to give to the professors that just influence in the university which is equally due to a body of men so generally distinguished for their great attainments in literature and science, and to the very important functions which they are called upon to discharge. In the present constitution of the university they possess no corporate voice or authority, and, consequently, no means of enforcing the claims of the branches of study which they severally represent, upon the attention of the members of the senate.

The arrangements for the formation and working of such syndicates would be most safely left to be settled by the Code of Graces. A long experience alone would enable us to give them that form and constitution which would be best calculated to effect the accomplishment of all the objects which they propose.

CONDITIONS OF GRADUATION.—The conditions of graduation, as regard *time* and *exercises*, formed part of the indispensable Code of Elizabeth, and we have already had occasion to notice both the inconveniences which they have occasioned, and the fate which has attended them¹. In proposing, as we have done, to restore the ancient franchise of the university, which made the senate the sole judge of the conditions of graduation, we have already decided the question, whether those conditions should hereafter form part of the Code of Statutes or of the Code of Graces. The only question which remains is, what those *ordinary* conditions should be under the present circumstances of the university. Those now in force are as follows:—

The exercises in the Soph's schools for the degree of bachelor

¹ *Supra*, page 129.

of arts have been altogether abandoned¹; they have been replaced by examinations. The conditions of time have been reduced from *four* years to *three* years and *a half*².

There are no exercises, even in form³, for the degree of master of arts, but the statutable conditions of time have been strictly adhered to.

The theoretical distribution of all masters of arts into students of theology, civil law, and medicine, as prescribed in the statutes, is still preserved, and a petty persecution of opponences and acts, at least in the faculty of theology, is still maintained⁴, with a view of satisfying the letter of the law; the conditions of time, except in the case of degrees in medicine, have been strictly adhered to.

No useful purpose can be answered by attempting to retain or to revive public disputations; for no legislation can compel an audience to attend them, and they consequently offer no sufficient motive for a careful and lengthened preparation, nor any occasion for the public display of those various resources of learning, and that promptitude in the use of the weapons of syllogistic argumentation, which made those exhibitions so attractive to our forefathers. All schemes of reform of the statutes of the university would probably concur in proposing their entire abolition.

Assuming that all candidates for a first degree, whether in arts, law, or medicine, will be subjected to a proper examination, by which their sufficiency may be ascertained, it may be very seriously doubted whether any similar test or public exercise should be demanded of those who apply at an advanced age for superior degrees in the different faculties; for the persons who

¹ *Supra*, page 73.

² *Supra*, page 9, Note 2.

³ The miserable forms which were formerly complied with, with a view of fulfilling the letter of the statute, have been most properly abandoned. *Supra*, page 73.

⁴ The periodical recurrence of divinity acts, and of the fines for their non-performance, compelled masters of arts, who refused to be made the subject of

such exhibitions, to cease to be members of the university. It is in the recollection of many members of the senate, when the late distinguished chancery barrister, Mr. Bell, who was remarkable for his attachment to the university, appeared, with a view of escaping these penalties, as a respondent in the divinity schools, to the great amusement of a very numerous auditory.

apply for them under such circumstances, have generally attained an established position in life, who would feel justly humbled by the necessity of submitting to an examination, for which they might be wanting in many technical qualifications, or might labour under very reasonable apprehensions that they would not be able to satisfy the expectations which have been formed of them. The relation of examiner and examinee is always offensive and unnatural, where it is not characterized by great differences of age or of attainments. The least exceptionable form in which a test of qualification can be required, would probably be a dissertation or essay on some professional subject, which might be composed with all the aids of time and deliberation, and of the merits of which the public, as well as the professor at the head of the faculty, would be enabled to judge; such a test is generally required for this purpose in foreign universities, and would be found sufficient to exclude improper candidates from our superior degrees. Our present forms of proceeding, particularly in the faculty of theology¹, afford, in the majority of cases, no test of qualification whatever.

The restitution of its franchise would enable the university to give degrees by *diploma*, without reference to the royal mandate, in all cases where the distinguished merit, rank, or position of the candidate would appear to the heads of houses in the first instance, and to the senate in the second, to authorize a departure from the usual conditions of graduation. The exercise of such a privilege would in no respect interfere with the course which would be prescribed, in ordinary cases, by the Code of Graces.

There are, however, many important points in which the provisions of such a code might very advantageously differ from that which is now in force: for, in the first place, it would be expedient, in many cases, to suppress the intermediate M.B., LL.B., or B.D. degree; and, in the second place, to shorten materially the interval of successive degrees.

¹ In the case of *per saltum* degrees in theology, the exercises are a Latin and an English sermon in St. Mary's Church; all other exercises are or may be compounded for. The only condition required is that they shall not be *gremials*. See Appendix A., page xvii. Note 1.

Thus, if we assumed that students in medicine and civil law proceeded to the degree of B.A. (which, if the period of graduation was shortened, would be very generally the case) there seems no sufficient reason why the degree of M.B. or LL.B. should be interposed between that of B.A. and the *doctorate*. And a still more important provision should be, that the necessary interval between the first and final degree should be, in no cases, longer than what is sufficient, under ordinary circumstances, for maturing those studies which are requisite for professional practice: a period of four years would be found to be generally sufficient for this purpose.

The long interval which now elapses before a student in medicine or in civil law (the name of the candidate must have been upon the boards of some college for at least ten years) can proceed to that degree which alone can properly authorize him to practise his profession¹, as well as the trouble and the expense which are occasioned by the various forms and examinations which are interposed, have tended greatly to reduce the number of medical students at the university, as well as still more to diminish the number of medical degrees; a result which is equally injurious to the interests of the university and to the character of the leading members of a profession, in the practice of which the high principles and refined feelings which naturally spring from a liberal and enlarged education are so essentially necessary.

If the degrees of M.B. and LL.B. be taken as original degrees, in conformity with the present practice of the university, the final degree of M.D. or LL.D. should follow at a very short interval. But there are many considerations which may be urged in favour of making the degree of B.A. the fundamental degree in medicine and civil law, as well as arts and theology, provided the present period of preparatory residence was sufficiently short-

¹ A *license* to practise may be given by the university in any term succeeding the M.B. degree, which is considered to authorize the licentiate to append the title of M.D. to his name, in all places but in Cambridge. The very use of such an expedient is the best proof which can be produced, that the delay of the final degree is inconvenient at least, if not altogether unnecessary.

ened to prevent its interfering injuriously with professional studies and professional establishment in life¹.

The degree of B.D. likewise might be very advantageously suppressed when not an original degree²: it adds no academical privilege or personal consideration to those upon whom it is conferred, and would be rarely, if ever, taken, if it was not conjoined by college statutes as a necessary introduction to some office or superior degree. Objections, however, might be made to so considerable a change in the ancient system of graduation, unless it was justified by a sufficient academical necessity; and many of the present inconveniences which it occasions might be obviated by allowing, as in the University of Oxford, the *accumulation* of the degrees of B.D. and D.D., and making the standing requisite for the last degree altogether dependent upon the period which has elapsed (say seven years) since the degree of M.A. Such a change would not interfere with the existing statutes of many colleges with respect to the degree of B.D., and it would altogether supersede the necessity of the present system of *per saltum* degrees, which have operated as a sentence of banishment upon many of the most distinguished members of the university, and which frequently invest with her highest titles men who are not the best calculated to do them honour³.

ACT OF CREATION.—The Act of admission to degrees is not generally contemporaneous with the *act of creation* which confers the franchise. We have elsewhere expressed our opinion of the necessity of abolishing a ceremony which had its origin in a very remote antiquity, and which has altogether lost its original

¹ The university of Cambridge presents many advantages for medical students in the character of its preparatory studies, its hospital, its museums of anatomy, physiology, and botany, and most of all in the great zeal and ability of the professors to whom the conduct of medical education is entrusted: the principal obstacle opposed to the increase of medical students has been the unreasonable delay which the existing statutes have offered to their entrance upon the practice of their profession.

² The degree of B.D. is the original degree of those who are called *ten-year men*; if it be considered expedient to retain this class of graduates, they should be subjected to a proper examination in classical literature and divinity (as is now the case), the public act in the schools being suppressed in common with all similar performances.

³ Appendix A., page xvii. Note; also *supra*, page 56.

meaning and object; all plans of academical reform would probably concur in this recommendation¹.

CHANGES IN THE B.A. DEGREE.—The most considerable change, however, which we should be disposed to recommend in the present system of the university, would be the reduction of the period of residence required for the degree of B.A. from *ten* terms to *eight*, the degree being taken in the *ninth* term. The arrangement of terms and examinations would then stand as follows, assuming the month of October to be the beginning of the academical year:—

1st year.—Michaelmas term, or term of matriculation; no term of admission to be recognized or required².

Lent term.

Midsummer term; examinations in college.

2nd year.—Michaelmas term; the previous examination at the close of this term³.

Lent term.

Midsummer term.

3rd year.—Michaelmas term.

Lent term.

The final examination for ordinary degrees, and for the mathematical and classical triposes, to take place in the midsummer term; the degrees would be conferred, as at present, immediately after the conclusion of the examination.

The degree of M.A. to be conferred without residence, exercise, or examination, as soon as three years are completed from the date of the B.A. degree: the act of admission to be also that of creation, or simultaneous with it.

The adoption of such a scheme would afford three academical years for those preparatory studies which the university has most wisely adopted as the basis of a sound education, whether designed for general or professional objects; it would tend to equalize the population of the university⁴; it would afford addi-

¹ Appendix A., page xxviii. Note.

² *Supra*, page 57. Note.

³ This is an examination in one of the four gospels, a Greek and a Latin

author, and in PALEY'S *Evidences of Christianity*: it now takes place at the close of the Lent term of the 2nd year.

⁴ The undergraduates of three suc-

tional time for the pursuit of professional studies after the first degree, the general neglect of which is now so just a topic of complaint, and so injurious to the credit and interests of the university.

It would be no sufficient objection to the adoption of this plan, that it would tend to lower the standard of the mathematical, philosophical, or classical attainments of the more distinguished students at the time of their graduation; for it is less the proper object of academical education to complete the fabric of human knowledge, than to provide a firm and secure basis on which it may be raised. And it may be safely asserted, that there is no department of knowledge, the elements of which may not be completely mastered in a shorter period than that which we have proposed as the ordinary limit¹ for the completion of such a preparatory course of academical education.

Such elements in mathematics would be a thorough knowledge of all the relations of number and space, of the principles of analysis (including algebra, the application of algebra to geometry, the differential and integral calculus), of statics and dynamics, and their application to the explanation of the more important laws and phenomena of the system of the universe, and of physical science. The public examinations, therefore, (which really determine the general character of our academical studies,) would wisely avoid those departments of analysis or philosophy, which, however important in themselves, have not a direct bearing upon the firm and secure acquisition of those leading and fundamental branches of human knowledge; preferring, likewise, a logical and luminous exposition of principles and methods to the solution of difficult and complicated problems²,

cessive years only would be simultaneously resident in the university; the present system accumulates the undergraduates of four years in the Michaelmas term, an arrangement which produces the most serious inconveniences.

¹ We speak of the ordinary studies of the university, for it is obvious that in many instances, they would not terminate here, but would continue to be

prosecuted, as they are at present, whether from a simple love of knowledge, or as preparatory to the acquisition of further honours or appointments in the university or elsewhere.

² It is less the proper object of education, and therefore of examinations, to signalize and reward very great and striking talents, than to encourage the formation of habits of careful investi-

which rather furnish a test of ingenuity and promptitude than of accurate knowledge and truly philosophical powers.

It is very difficult, however, to limit the discretion of examiners, either with respect to the questions which they shall propose, or the range of subjects which they shall embrace; and nothing short of the most peremptory orders, defining what shall be omitted, will prevent examinations from travelling over the whole range of mathematical and philosophical knowledge. But the adoption of the change in the period of graduation which we have recommended would make some such restrictions absolutely necessary, in order to bring the subjects of study sufficiently within the reach of the more advanced students, and to enable them to acquire an accurate knowledge of them without the necessity of the stimulating aid of private tuition¹, which is now almost universally required. The task of fixing the limits of the

gation, and the full developement of the reasoning powers. The problems which are proposed in the senate-house are very generally of too high an order of difficulty, and are not such as naturally present themselves as direct exemplifications of principles and methods, and require for their solution a peculiar tact and skill, which the best instructed and most accomplished student will not always be able to bring to bear upon them. It is not unusual to see a paper of questions proposed for solution in the space of three hours, which the best mathematician in Europe would hesitate to complete in a day.

¹ The rapid growth of private tuition in late years, which is due to various causes, is an evil of the most alarming magnitude, not merely as occasioning a great and ruinous increase of the expenses of academical education, but as threatening to supersede the system of public instruction, both in the colleges and in the university. A wise law, enacted in 1781 to meet abuses of a very discreditable character, forbade every candidate for the honours of the

first tripos (*wranglers* and senior *optimes*) from engaging or accepting, in any way whatever, the assistance of a private tutor, under whatever name concealed, within two years of his B.A. degree. This grace was unhappily repealed in the year 1824, and the consequence has been, that private tuition has nearly absorbed every other mode of instruction in the university.

The ordinary payment made to a private tutor is 14*l.* per term; 10*l.* is generally paid for the Christmas vacation, and 30*l.* for the long vacation, whether at Cambridge or elsewhere. It is not an unfrequent practice for a student to engage a classical and a mathematical tutor on alternate days, and sometimes even on the same: the system extends to students of all classes, industrious or idle, rich or poor; and so very general has the practice become, that it would not be an extravagant estimate to fix the *average* annual expenditure of every student at the university for private tuition at 40*l.* If we assume the average number of students throughout the year to be 1300, this will amount

subjects of examination, and of altering them (with the sanction of the senate) from time to time, as circumstances might appear

to 52,000*l.* per annum, or more than three times the sum paid to the whole body of public tutors and professors in the university.

The effects of this system are almost equally injurious to tutors and pupils. A tutor of superior attainments wants the stimulus which a large class of hearers supplies, and his spirits are exhausted by the weary and uninteresting labour of teaching pupils, who are frequently unable to appreciate the value of what is taught: whilst a pupil, whose difficulties are thus smoothed over without labour or research, is too frequently enervated by this perpetual pampering of his appetite for knowledge, without the necessity of digesting that less palatable food which original inquiry must perpetually present to it.

But a great majority of the persons to whom the duty of private tuition is intrusted, are young men of very limited attainments, without experience, and perfectly incompetent to convey to their pupils any correct or enlarged views of the subjects which they teach; particularly when it is considered that the difficulties which occur at the very threshold of all learning, and more especially in the sciences, are those which require the most matured skill and experience of the teacher to explain. But the veriest tyro in classical or mathematical knowledge, when himself hardly fledged from the nursing care of a private tutor, will consider himself perfectly qualified to teach as far as he has himself been taught, though in the most superficial and imperfect manner, and thus becomes the instrument of propagating crude and inaccurate knowledge through successive generations of pupils. Even in its most favourable form, the system is

one of forced culture, which, though it may accelerate the maturity of the fruit, is inconsistent with the healthy and permanent productiveness of the tree, when left to the natural powers of the soil.

Public and private tuition cannot generally co-exist; for the relation of the private tutor and pupil is more intimate than that of the professor or public lecturer. It is the private tutor who will generally be obeyed in the regulation of the studies of his pupil. If the hours appointed for private and public instruction interfere, it is the convenience of the private tutor which must necessarily be consulted. If different methods of treating the same subjects are adopted, or if a different order in their succession be followed, it is the system of the private tutor which is preferred. The operation of these causes not only indisposes the great body of students to attendance upon public lectures, but likewise disqualifies them from deriving much advantage from them: and it will generally be found that such lectures are attended, particularly after the freshmen's year, rather in obedience to the regulations of discipline, than from a sense of the assistance which they afford in the prosecution of their studies. We speak of course of the general practice which now prevails in the university, to which some important exceptions might be mentioned; but few persons will deny the substantial truth of the statement which we have made, or the rapid increase, of late years, of an evil which is so injurious to the best interests of the university.

The effects produced by the same system (aided greatly by the difficulty and number of the public examinations) upon the numbers who attend the lec-

to require, would be most advantageously confided to the Syndicate of Studies, which would comprehend, if composed as we have

tures of the public professors of the university are most marked and alarming, and threaten, unless checked by some vigorous act of academical legislation, to destroy them altogether. At no period in its history has the university possessed a more distinguished body of professors, or one more anxious to discharge conscientiously the public duties of their offices; but professors, whose lecture-rooms were formerly crowded with anxious and attentive hearers, can now hardly muster a sufficient number of them to justify the continuance of their course. The institution of a new lecture, or the appearance of a new and popular professor, may sometimes attract a sufficient audience, but will rarely, if ever, succeed in retaining it for a subsequent year. No subject, however interesting, no treatment of it, however luminous and instructive, can long withstand the absorbing influence of the private tutors, or of those studies which are immediately connected with the examination for degrees.

The adoption of some of the recommendations which we have made in the text, respecting the shortening of the period of graduation, restrictions on the range and subjects of examination, a reduced standard of qualification for ordinary degrees, and, above all, a greater developement of the system of professional education in the university, would tend somewhat to check the prevalence and progress of this system, by making it less necessary, in individual cases, as a means of artificial and forced preparation for the very varied forms which an examination may assume, and by giving greater leisure and freedom for the cultivation of more general studies. But we believe that the most prompt and the

only effectual remedy which can be proposed, is the strict and peremptory prohibition of private tuition, under any form, whether within or without the university, after the three first terms, in the case of all students who are candidates for honours. We should extend the prohibition to private tuition without the university as well as within, in order to prevent the formation of reading parties at watering-places and elsewhere, which are ruinously expensive, and not unattended by many other very serious evils, which it is not necessary to enumerate.

We should feel disposed to authorize private tuition during the three first terms, as a means of enabling young men to supply the defects of their previous education, when they first enter the university, and to afford them the assistance which they very frequently require to enable them to follow with advantage the course of public lectures; and more particularly when it is considered that students very generally require the experience of a public examination (such as usually closes their first academical year) to enable them to judge of their prospects of success in the final competition for classical and mathematical honours, and of their competence to trust to their own powers and to the aid of public instruction in the future prosecution of their studies. The mischievous effects, likewise, of private tuition in disturbing the course of public instruction are not fully developed before the second academical year.

The imposition of so extensive a limitation upon the system of private tuition, as that which we have ventured to recommend, would inflict some hardships upon some very able men, who

proposed, those persons who have the deepest interest and the most immediate concern in the proper regulation and successful

have framed their scheme of life with reference to it, and who have made it a source of a very considerable professional income. All members of the university will single out one name equally distinguished for the great extent and the philosophical character of his attainments, and for his great skill and pre-eminent success as an instructor of youth; and it would be easy to select other accomplished scholars and mathematicians, who fully deserve a more ample field for the exercise of their talents. The name at least, if not the character, of the employments of some of these distinguished men might be changed with great advantage to the university, whilst others might transfer their labours to other places, which would afford them a more legitimate and a much more permanent occupation; and whilst we should feel disposed to treat with the utmost consideration and tenderness the just claims of men of worth and learning, which have originated, in a great degree at least, in the faults of our own legislation, we should hesitate before we allowed them to interfere with the adoption of any measures which the great interests of academical education rendered imperatively necessary.

There are many other reasons which might be alleged, besides the interests of the university, for discouraging the present system of professional private tuition: it forms a source of income of the most uncertain and fluctuating kind, and such as can never be reckoned upon as a secure provision for life; and it does not form the best preparation for employments elsewhere connected with the business of education. The labour which it imposes is too absorbing and severe to allow of the simultaneous prosecution of original

studies, and it generally terminates, even in the case of men in every way capable of forwarding the progress of science and learning, either in entire barrenness, or degenerates into the compilation of elementary works, destined for academical purposes, which though frequently elegant and compact, are totally destitute of original views. We feel satisfied that this unhappy system has contributed, more than any other cause, to the very general, and in some respects just, complaints which have been made of late years, of the paucity of works of learning and research which have issued from the university of Cambridge.

It is not the object of the measure which we recommend to abolish altogether the system of private tuition, but to make it subordinate to the public instructions of the university, and to prevent its interfering with the formation of habits of independent study and original research amongst the more distinguished students. There will always be a large class of persons whose neglected education or deficient natural powers will not enable them to keep pace with a public lecture, to whom the assistance of a private tutor will not only be useful but necessary; and there will always be a great number of young men of distinguished merit, but inadequate means, who are greatly benefited by the temporary accession of income which private tuition would afford them, during the interval which elapses between the first and second degree, whilst engaged in professional or other studies. In such hands, and when limited to such students, private tuition will never depart from the secondary character which should always belong to it; it

prosecution of the studies of the university. Such an arrangement would furnish the means likewise of connecting the examinations, when practicable and desirable, of the university with the subjects of those public lectures of the professors which have an immediate bearing upon them.

The same reasons which render some restriction necessary upon the range and subjects of the mathematical examinations, would apply with equal, if not greater, force, to the examinations in classics. If the object of such examinations be the encouragement of classical learning, by placing the subjects of study within the reach of a large body of students, it is in every way desirable that they should be restricted to the most important authors of Greece and Rome, and that they should be confined to translations of passages from those authors into English; to questions relating to them, whether historical, archæological, or philological; to translations from English into Greek and Latin *prose*, excluding rigorously all compositions in Greek and Latin verse, whether original or translated¹. These proposed restrictions would apply

will prepare men for the public instruction of the university, and will not attempt to supersede it; it will furnish the aid which is sometimes necessary for securing a professional establishment, without becoming a profession itself, presenting no certain or even reasonable prospect of a permanent and increasing income for life.

¹ This proposal to exclude Greek and Latin verse composition from the examinations for the classical tripos will shock many prepossessions, and will probably be denounced as an innovation which would inevitably tend to lower the standard of classical scholarships in the university, and to deprive classical studies of half their utility, as a means of cultivating the taste of the student by the close and continued attention to all the delicate turns of expression and sentiment in Greek and Latin poetry, which the practice of such compositions requires.

The advocates of such views will refer, not without just feelings of pride and triumph, to the long list of names which adorn the *Fasti* of the two universities, who have been distinguished for their skill in imitating the finest productions of the great poets of antiquity, and, in subsequent life, for their taste and learning, or for their success as orators, lawyers, and statesmen.

We are not disposed to deny the value of such accomplishments, or to doubt their influence upon the formation of taste and character; but we are bound to scrutinize, at the same time, the assumed exclusiveness of the means which are capable of effecting this important result of education, as well as to take into account the great price at which it is purchased. It may be quite true that a young man of genius, taste and feeling, whose mind has been imbued with the careful study of the finest productions of clas-

to the general classical examinations only, leaving a much larger range to the examinations for university scholarships, which

sical poetry, will sometimes be enabled to give to his imitations of them a correctness and propriety which is calculated to command the most unmixed admiration; but we are apt in this, as in many other instances, to confound, in some degree at least, the order of cause and of consequence, and to attribute the development of a refined and cultivated taste more to the particular studies which have been pursued, than to the happy organization of the mind of the student. There are, in fact, few departments of study which bring the higher productions of art and genius under minute and careful observation, which will not generate a spirit of imitation and rivalry, and tend to form or influence a corresponding taste in minds whose happy constitution and natural sensibility makes them capable of receiving and retaining the expressions of whatever is beautiful in form or refined and elevated in sentiment.

It is the peculiar advantage of classical studies that they are directed to productions which have been recognized, in all the later ages of the world, as the most unquestionable and safest standards of imitation, and they must always continue to form a principal and indispensable part of a liberal education, in consequence of their close association, not merely with the structure, but with the literature, of modern languages. It is with a view to the formation and transmission of this pure and classical taste, that the advocates of classical composition will urge the continuance of a practice which has been equally sanctioned by long usage and by the successful results which it has produced; but whilst we are ready to admit that the adoption of this system has been followed by many of the advantages which have

been urged in its favour, we are satisfied that many very forcible and sufficient arguments may be advanced in support of the limitation which we have proposed in the text.

Thus we may fairly urge that translations from English into Greek and Latin prose afford a sufficient motive for a critical and minute attention to the grammatical structure and system of those languages, and offer one of the most secure tests which a student can give of having mastered all their difficulties. It is a practice, likewise, which is admirably calculated to form habits of accurate and philosophical analysis, and to give precision and clearness to the conception and expression of rules and principles, which are otherwise apt to be slurred over with the haste and imperfect knowledge which commonly characterize an impatient or ill-trained student. And though it is very possible (and the case is not unfrequent) to acquire a very considerable acquaintance with those languages without the cultivation of such a habit, or the acquisition of such a *copia verborum* as is requisite to make such translations with readiness as well as accuracy, yet such a practice could not be generally followed without endangering the foundations of all correct and critical scholarships, and depriving classical studies of much of their value, as a means of disciplining as well as storing the mind.

If the practice of classical composition was confined to such translations, it would secure to them a much more continued and concentrated attention than a student is now enabled to give, when his mind is distracted with the necessity which the existing regulations of the university impose upon

exercise a much less marked influence upon the general studies of the university.

him, of imitating nearly every species of Greek and Latin poetry which was known to antiquity: he must write sapphics, after the manner of Sappho; iambs, and sometimes trochaics and anapæstics, in imitation of the tragedians and Aristophanes; hexameters, after the model of Homer: whilst in Latin, he must be able to imitate the lyrical metres of Horace (including his alcaics, which no other Latin poet attempted to compose) and the hexameters and elegiacs of Virgil, Ovid and Tibullus. The labour of a life would hardly suffice for the acquisition of such various accomplishments; and it is hardly necessary to add, that the pursuit and mastery of many of them is hardly compatible (except in very rare and extraordinary cases) with those more solid and important acquirements which it should be the great object of a well-devised system of education to impart and to encourage.

The introduction of Greek composition into the examinations of the university is of comparatively recent date, (not more than twenty-five years ago,) and has led to a great reduction of the high standard which distinguished scholars formerly attained in compositions in Latin prose and verse. Such a result might naturally have been expected to follow from the simultaneous attempt to compose with ease, accuracy, and elegance in Greek prose and verse, as well as in Latin, a language of such variety of form, such copiousness of words, such complexity and difficulty of construction. If it be considered a rare and difficult accomplishment to speak or write in a modern language with readiness and propriety, even with all the advantages which we possess in a personal intercourse with

those who speak it, how much more difficult must it be to acquire a similar knowledge of a dead language! If it be generally considered as a vain and impracticable ambition to write modern poetry in a foreign language, even when we possess a perfect and habitual acquaintance with its idioms and its literature, how much more daring must such an attempt appear to be, when made in a language whose structure and peculiar spirit is only imperfectly understood and appreciated even by the most matured and laborious scholars! Nothing can be more surprising, however, than the occasional skill and readiness which is sometimes attained, by careful training, in these difficult and unprofitable exercises, except the rapidity with which they are generally laid aside and forgotten.

The regulations of the classical tripos have wisely confined the compositions in those examinations to translations into Greek and Latin prose and verse, excluding altogether original compositions, which do not always (as is well known) furnish an unquestionable test of accurate scholarship; but even with this important limitation, the necessity of making Greek and Latin verse translations tends greatly to diminish the number of candidates, and to discourage the general pursuit of classical studies in the university. A young man of energy and ambition, who has not been taught the art of writing Greek and Latin verses (for it is an art which few persons master without a long-continued technical preparation at school), and who would gladly avail himself of the encouragement offered by classical distinctions in the university to supply the defects of his previous education, feels discouraged or

All students in the university (*nobiles* and *quasi-nobiles* excepted) are required to pass a public examination in the Lent

arrested in his labours by the necessity of making an enormous sacrifice of time for the very imperfect acquisition of a very useless accomplishment, which he can never produce in a form which he would be willing to acknowledge. Those persons who are best acquainted with the motives which influence young men at the university in the choice and prosecution of their studies, can speak to the very general operation of this feeling; and we feel satisfied that the number of candidates for the classical tripos would be doubled, if verse composition of every kind were entirely excluded from the examination: their present number does not much exceed one-fourth part of those whose names appear upon the mathematical tripos.

It is not sufficient to urge, in reply to these observations, that such exercises may be omitted by all those candidates who feel that they are not qualified to complete them in a creditable manner; but independently of the great weight which is attributed to such exercises in the final arrangement of the examinees, there exists a deep feeling of distaste to being exposed to the humiliation of a public confession of incompetence to perform a task which not only forms an ordinary part of the examinations, but which other candidates, of very inferior powers and attainments, may be able to get through: they therefore either abandon classical studies and the competition for classical honours altogether, or they engage a private tutor to teach them an art, which is hardly attainable, except in extraordinary cases (such as the late Dr. Thomas Young), without such assistance. It is not the least of the many serious objections which may be advanced against the retention of these

exercises, that it tends greatly to prolong the reign of that system of private tuition which is rapidly destroying all freedom and independence of study in the university.

The practice of classical compositions in verse would be defended generally, not on account of the value of the accomplishment which is taught, but as a means for the attainment of an end, as cultivating the taste and forming habits of accurate observation in the progress of a classical education, whose effects must be looked for more in their general than in their particular results: and though few persons would venture to recommend the attempt to begin the acquisition of this art (for such it must be considered) at so late a period of life as students at the university have usually attained, yet it might be urged that the entire exclusion of such exercises from the university examinations would re-act unfavourably upon the public and other schools, by depriving both masters and scholars of the most powerful motive which they possess for the cultivation of this branch of classical education. But it may be fairly contended, in reply, that the university is not called upon to make its system subordinate or ministerial to that of the public schools, and that if classical compositions in verse be considered essential to the efficiency of a school education, they will be taught and practised with reference to the immediate effects which they produce, without regard to their influence upon the subsequent success of academical students. But the most satisfactory argument will be afforded by the conviction that the change proposed would inevitably lead to a much closer attention to translations from English into Greek and Latin prose, to the

term of their second year in one of the four Gospels, a portion of a Greek and Latin author¹, and PALEY'S *Evidences of Christianity*. There seems no sufficient reason for proposing any great change in this examination, beyond its transfer from the end of the Lent to that of the Michaelmas term, with a view to meet the proposed change in the period of graduation.

The subjects of the examination for the ordinary degree of B.A. in January, 1841 (the first year of its introduction), are portions of a Greek and Latin author², the Acts of the Apostles, PALEY'S *Moral Philosophy*, the three first and portions of the sixth books of Euclid, arithmetic and the most elementary parts of algebra, the doctrine of proportion, and some of the more important propositions (less than fifty in number) of statics and hydrostatics. This scheme of examination was adopted upon the report of a syndicate in 1837, with a view of combining the bases of a classical and theological education, with a knowledge of some of the more important and fundamental truths in mathematics and natural philosophy, as the indispensable conditions of graduation. It would be premature to venture to express any decided opinion of the practicability and expediency of the proposed plan, before it has been subjected to the test of experience.

formation of habits of more accurate observation and scholarship, and to other advantages, which would offer a very sufficient compensation for any real or imaginary sacrifices which it might be conceived to entail; whilst the cultivation of the taste might be sufficiently provided for by an increased attention to English composition and literature, which are now so generally neglected.

A very general mistake prevails in the public mind with respect to the extent to which the power of classical composition is communicated to the boys who are educated at our public schools: if it has once been imperfectly acquired, the suspension of the practice of it during the one or two years which are interposed between school and the

university will be found generally sufficient to obliterate all traces of its existence; for it may be safely asserted, that there is not one in ten of the entire number of those who enter the university who is capable of writing Latin verse, and still fewer, Latin prose, with tolerable correctness or elegance. It is the attempt to teach so many arts, which is almost inevitably fatal to the secure acquisition and practice of one of them.

¹ For this year, 1841, these subjects are, the Gospel of St. Mark, the first book of Herodotus, and CICERO de *Senectute*.

² For this year, these subjects are the 7th, 8th, 9th and 10th books of the *Iliad* of Homer and the *Bellum Catilinarium* of Sallust.

The standard of attainments which is fixed for the ordinary degrees must necessarily be adjusted to the lowest scale of capacity or knowledge, which can be deemed a sufficient qualification of a candidate; and it may be safely assumed, that there are no conditions, however humble, which, if rigorously exacted, will not operate as a sentence of perpetual exclusion to a very considerable number of students. The recent regulations of the university required a *competent* knowledge of the first six books of the *Iliad* of Homer and of the *Æneid* of Virgil, PALEY's *Moral Philosophy* and *Evidences of Christianity*, the four first books of Euclid, arithmetic, and the elements of algebra; and it has been found that their strict enforcement has raised these conditions, simple and elementary as they may appear, much above the capacity of a considerable part of our academical population, and that no examination takes place in which the number of failures does not bear a very large proportion to those who succeed. It is the simultaneous possession of a producible knowledge of so many subjects, and not their separate difficulty, which renders such examinations much more formidable than they would at first sight appear to be.

There is no doubt but that the increased severity of the examinations for degrees has greatly augmented the amount of study amongst those students of the university whose industry is rather stimulated by their fears than by their ambition and love of knowledge, and that the best effects have been consequent upon this change, both as regards the orderly habits and general occupations of a great majority of under-graduates.

But these advantages have not been purchased without their corresponding sacrifices. The reign of private tuition¹ and of systematic cramming has been affirmed and extended, and the influence of the professional and public instruction of the university has consequently declined. The absorbing interest attached to the necessary preparation for a degree, which is not now confined to a brief period of the course of academical life, is unfavourable to the cultivation of individual tastes in

¹ The class of private tutors who are thus fixed in the university is not calculated to increase its reputation for liberal learning.

the pursuit of knowledge and to the developement of individual character.

There are some practical defects, also, in the late and present systems of examinations for degrees, originating in the uniformity of the test to which all the candidates are subjected, which deserve the most serious examination: for there are many students who possess very considerable powers of memory or imagination, and who are frequently accomplished classical or general scholars, who experience the greatest difficulty in appreciating or comprehending the most simple principles of mathematical reasoning, whether they concern the relations of number or of space, or the more general abstractions of symbolical language. Upon candidates of such a character the mathematical part of the examinations for degrees, when strictly enforced, as of late years, has pressed with peculiar severity, and threatens, under the new arrangements, to operate, in many cases, as an absolute and perpetual exclusion; and though it may be quite true that there is no class of students in the university who would derive greater benefit from the cultivation of those severe studies, which are so well calculated to strengthen the sinews of the intellect, and to prepare men for the business of life, yet it is not desirable to close the avenues to our degrees and to their consequent advantages, to men whose attainments, in other departments of knowledge, would do honour to their place of education. The failure of such candidates (of which some remarkable examples have lately occurred) is, in fact, more discreditable to the system of the university than to those who are unhappily its victims.

It is hardly possible to provide a remedy for so serious an evil, without a partial departure from the general conditions of the examinations for degrees; the only expedient of an obvious kind which presents itself, is a commutation of the mathematical parts of the examination (either in whole or in part) for a classical examination of considerable range and severity. Such a change would augment the labour and somewhat complicate the machinery of these examinations, but it would tend to remove

many objections to the existing system of the university, which it will be impossible long to overlook¹.

The arrangements of the examinations for the degree of B.A. require (except in the case of candidates for honours) a knowledge of one, at least, of the four Gospels and of the Acts of the Apostles, and of the *Evidences of Christianity* and of *Moral Philosophy*, as they appear in the works of Paley: and as far as this very elementary and limited portion of the most important of human studies is concerned, the conditions required by the university are very strictly enforced. But it may be very safely affirmed, that no branch of study can be pursued with diligence or effect, where a *minimum* of knowledge only, and that adapted to the capacity of the humblest student, is demanded, more particularly when it is combined with other studies, whose successful prosecution is rewarded with the highest honours and the most lucrative emoluments of the university.

It is well known that the most anxious efforts have been made in many colleges to encourage the study of theology by lectures, by examinations, and by prizes; but it very generally happens that the theological lecture-rooms, unless filled by compulsory measures, are thinly attended, and that the examinations are neglected by the more distinguished students, (including many of those who are most strictly scrupulous in the discharge of their religious duties²;) who feel that their academical reputation and prospects must be determined by a contest on another field. It thus happens that their academical life is concluded before their theological studies have begun; and they present themselves to the bishop at a later period as candidates for holy orders, without any academical or other testimonial of theological proficiency,

¹ Candidates for mathematical honours, with a view to their being qualified to sit for the classical tripos, sometimes fail, not merely in effecting their object, but likewise in securing their degree. It is in every way desirable that such persons should be entitled to the benefit of the privilege which we have suggested in the text.

² There are always some students who make theology, even whilst undergraduates, their principal study, and who highly distinguish themselves in these examinations; they are rarely, however, eminent for their success in other academical studies.

beyond a certificate of attendance upon the lectures of the Norrissian professor of divinity¹.

The fundamental studies of the university between admission and the first degree are general and not professional, and we may venture to predict, from experience of the past, that all attempts to combine them will fail, unless they can be included in the examinations for honours as well as for ordinary degrees. But very serious objections may be stated to such an intermixture of subjects in the same examination, unless it be for a fellowship or scholarship, where the general character of the attainments of the candidates are made the object of inquiry, and not their comparative proficiency in one; for not only would such a combination increase most seriously the difficulty of accurate and satisfactory classification, but would merge the character of the mathematician, the scholar, and the theologian in one common result, where their separate influences would no longer be traceable. The adoption of such a system would tend to destroy, likewise, the predominant influence of our mathematical and philosophical studies, which are so well calculated to form the foundation of that high character for sound sense and correct reasoning, which is the proudest result of our system of education, and the best preparation for the successful prosecution of professional studies. And though it may be highly desirable to encourage the more general acquisition of classical knowledge, the want of which is so justly complained of in some of our more distinguished mathematicians, who are elected fellows of colleges upon the credit of their places in the mathematical tripos alone, yet it would be difficult to secure this amalgamation of classical and mathematical studies by an examination in which both were combined, without leading, sooner or later, to the partial sacrifice of mathematical and philosophical studies to others of a less severe and repulsive character. The same reasons

¹ The Norrissian professor is required by the terms of his foundation to read, during every course, a considerable part of PEARSON'S *Exposition of the Creed*; a condition which would inevitably have left the professor without an audience, if attendance had not been

compulsory. It is every way desirable that this absurd restriction should be either entirely abolished or commuted for an examination on the contents of this invaluable work; both the professor and his pupils would feel equally relieved by such a change.

which induced the university to make the mathematical introductory to the classical tripos, would apply with still greater force to prevent their union in a common examination.

It is this incompatibility of professional and general studies, as long as they are not equally contributory to academical success, which would induce us to recommend their entire separation in time as well as in examinations; shortening, as we have proposed, the period devoted to general studies, reducing considerably the range and variety of the subjects of examination, so as to bring them fairly within the grasp of every well-educated and industrious student, and postponing the systematic pursuit of professional studies to the year immediately following the first degree. By such an arrangement the university would be enabled to exercise a much more powerful influence than at present upon professional education, and would be enabled to retain within her bosom large classes of students, who are now compelled to draw the draughts of knowledge from other fountains than those which she offers to her sons.

The students of the university may be divided into two classes; namely, those who are destined for no profession whatever, and those who are educated for the professions of law, of physic, and of divinity.

The first, and much the least considerable, class of students is composed of young men of rank and fortune, who come to the university partly with a view to the connexions and friendships which they may form there, and partly for the purpose of cultivating those branches of knowledge which the duties of their station require, or which their individual tastes may make them desirous of acquiring. Assuming that such persons may be expected to pursue the general studies of the university, whether as candidates for honours or not, in common with all other students¹, there are also many departments of a complete and professional system of lectures, which would be eminently useful

¹ If the conditions of these studies be of a very severe and absorbing character, it is in vain to look for the simultaneous study of other branches of knowledge. There is no other class of students in the university which would be equally injured by an unreasonable elevation of the standard of knowledge required for the ordinary degree.

to them; such are lectures on the general principles and administration of our laws, the constitutional history of our country, on political economy, on the chemical and economical principles of agriculture, and on many other branches of knowledge, for the regular teaching of which sufficient provision should be made in every well-endowed and well-organized university.

If the students in law be considered as comprehending those who are destined for the practical study of the law of England as well as that of imperial Rome, they will form a most important class in the university; but if they be restricted to the second class of such students only, they will be found to be very few in number¹, and not generally entitled to much consideration from their acquirements. Assuming the more comprehensive classification, there is no other preparation for the successful study of their profession, which can be so useful and efficient as the general studies of the university, and more particularly those of the severest character. The minute and careful attention to the successive steps of a lengthened and complicated process of reasoning, and the habits of severe and persevering labour which mathematical and philosophical studies, or the accurate analysis of a difficult classical author, are so well calculated to teach, form the most secure basis of that vigorous discipline of the mind which is more or less essential to success in this difficult and laborious profession.

The practical and professional study of the English law can hardly be expected to be followed with much effect in any schools but our inns of court, where its principles are defined and fixed by practice as well as by books, and where students are brought at once into immediate contact with the business of life; and it seems hardly necessary, therefore, to make any considerable pro-

¹ The average number of degrees of bachelor of civil law does not exceed seven or eight in each year, not more than one or two of whom pursue the study with any enlarged or professional views; it is proper, however, to observe, that every effort has been used by the present professor to raise the standard of qualification for this degree. If the faculty was extended so as to include common as well as civil law, we should have doctors of laws as well as of civil law, the second being the specific and the first the general degree.

vision for the elaborate teaching of the law of England within the walls of the university, as a professional study after the first degree. But there are many persons, not designed for the legal profession, who would derive most essential benefit from a comprehensive and philosophical course of lectures on English laws, more particularly when viewed in their practical bearings upon the various duties, both active and passive, which spring out of their ordinary administration.

We have before alluded to the ample machinery which the existing system of the university has provided for the efficient conduct of medical education, and to some statutable changes, more particularly in the periods of graduation, which seem likely to increase the number of medical students; and if the proposed change in the period of taking the B.A. degree should be adopted, there seems no sufficient reason for not subjecting the great mass of medical, as well as of other professional students, to the general studies of the university.

At least one-half the students in the university are designed for the church, and no provision (the lectures of the Norrisian professor alone excepted) is made for their professional education; this is a deficiency in our academical system, which, in the present state of public opinion on this important subject, it will be impossible long to overlook. We believe that there are few members in the university who are not prepared for the adoption of the most prompt and decisive measures for the effectual remedy of so great an evil.

With this view we should be disposed to recommend regular and systematic courses of lectures to be given every year on the following subjects:

On the doctrines, liturgy, and articles of our church, by the Norrisian professor.

On the Hebrew language, by the regius professor of Hebrew.

On Biblical Criticism, more especially of the language and books of the New Testament, by a professor of Biblical Criticism, to be hereafter appointed¹.

¹ Professorships of Biblical criticism | recently founded and splendidly en-
and of ecclesiastical history have been | dowed in the university of Oxford.

On Ecclesiastical History, more particularly of the first four centuries after Christ, by a professor of Ecclesiastical History to be hereafter appointed.

On the canon of Scripture and the writings and opinions of the early fathers, by the Lady Margaret's professor of divinity¹.

On Moral Philosophy and the principles of Moral Evidence as affecting the grounds of religious belief, by the professor of Moral Philosophy.

To the regius professor of divinity might be assigned the duty, becoming his high office, of superintending the entire course of theological education in the university, including the examinations for academical certificates.

We would further recommend that all candidates for holy orders should be examined by the several professors on the subjects of their respective lectures; and that joint certificates, which, in certain cases, would be certificates of honour, signed by the whole body of examiners, should replace the present certificate of the Norrisian professor. There can be no reasonable doubt but that such an arrangement would receive the unanimous approbation and sanction of the archbishops and bishops of our church.

Though we have assumed that these lectures would be generally attended in the year immediately succeeding the bachelor's degree, yet there seems no sufficient reason for confining it to that specific period. Those, whose time and attention were not altogether occupied with the general studies of the university, would probably endeavour to attend them as under-graduates, and thus save the expense and inconvenience of an additional year of residence in the university; whilst many others would defer it until they had decided upon the choice of their profession, or until they had obtained a respite from other and more pressing

We venture to hope that measures will speedily be taken for the establishment of similar professorships in our university. The revenues of the two stalls in Ely Cathedral which it is proposed to suspend might be most usefully appropriated for their endowment.

¹ In making this suggestion, we

have been guided by the subjects which the present learned professor has chosen for his lectures; we have not the most distant wish to appear to dictate to one whose opinion upon everything relating to the theological studies of the university is justly entitled to so much consideration.

claims upon their time. In all cases a certificate of attendance upon the lectures, and of a sufficient acquaintance with the subjects of them, would be considered as an indispensable qualification for admission to the church. There can be little doubt but that the adoption of such a system would promptly raise the general standard of the theological attainments of those who are candidates for holy orders, and would enable the university to do justice to the most important of its functions, as one of the two great national nurseries for supplying the church with a well-trained and learned clergy.

APPENDIX.

APPENDIX A.

Extracts from Matthew Stokys Esquire Bedel's Book: (taken from Cole's MSS. Vol. 44, p. 353, in the British Museum).

INTRODUCTORY OBSERVATIONS, BY M^R. COLE.

MY ingenious & learned Friend, M^R. Farmer, Fellow & Pupil-monger of Emanuel College sending me the Original Quarto MS. compiled by that industrious Antiquary, Matthew Stokys, formerly fellow of King's College, & one of the Esquire Bedels of the University, I was determined, in a slight Fit of the Gout, to transcribe the whole of it, that in case of any accident of the Original being lost or destroyed, a faithful copy of it may be met with.

The Book is in a 4^{to} black Leather Binding, & had formerly Brass Clasps to it, consisting of about 150 Leaves, some of which are Vellum, but the chiefest part are paper, containing miscellaneous matters, the greatest part in his own writing, but some much older, & all bound up together. The 2 or 3 first pages contain an Index of the Contents in an Hand of later date than his own: at p. 7 is a beautiful Vellum Kalendar finely gilt & illuminated: On III. Non. March is this added in a different, but very old Hand.

Obitus strenui Militis Dni Oliveri Seint John Anno Dni. M^O. ccccxxxviii^O.

On 2 Id: of April is this also added in the same old different hand.

Obitus strenui Militis Dni Johis Beauchamp A^O Dni M^O. cccc.

On vi Kal: May is this imperfect note in an old different Hand, but cut off by the Binder, it being rather larger than the rest of the Book.

Obitus illustris Principis Dni Johnis Ducis Somerset A^O Dni. M^O. cc. . .

This John Beaufort Duke of Somerset died 24 Hen. 6. 1445, & was Father to Margaret Countess of Richmond, mother to Henry 7. The Duke had married Margaret Daughter of Sir John Beauchamp of Bletso, whose first Husband had been Sir W^m. Seynt John. v. p. 79. of this vol: By these Entries it appears, that the Book to which this Calendar formerly belonged, was probably the possession of the Beauchamp Family; for on the Ides of June is this Entry in an old hand :

Obitus illustris Dame Edithe Beuchampe A^o. Dni M^o. ccccxlj.

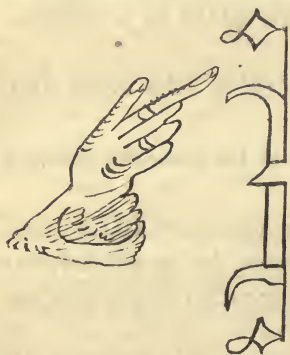
In another old hand at the Bottom of the Month of October is this entry:

Die veneris ante Festum Simonis et Jude erit magna Congregatio.

On one side of p. 13, which is finished on another side of p. 24 in an older Hand than Mr. Stokys's, is an account of the manner of the Questionists &c. taking their degrees: but as the intermediate Pages are written in an older Hand than either, I shall postpone transcribing that till I have gone thro' the latter; which I shall spell exactly as I find it; but shall begin it on the following Page.

For some account of Mr. Matthew Stokys, see my vol. 13. p. 215.

At p. 91. ^b. at the end of a list of the Chancellors of the University, is his mark, as Notary Public, with a large hand of Reference, & this Inscription.



Mattheus Stokys no^{rius}. pub^{cus}. et
unus Armigerorum Bedellorum alme
dictæ universitatis premissa collegi,
et in hunc Librum descripsi, ad opus
et usum dictæ Academiæ An^o. Dni
1574^o Die vero mensis Aprilis vice-
simo Septimo.

Mattheus Stokys
No^{rius}. pub^{cus}.

Milton, near Cambridge, }
Dec. 26. St. Steph. 1773. }

MR. COLES'S NOTICE OF MATTHEW STOKYS.

[COLES'S *MSS.* vol. xiii. p. 215.]

“ Matthew Stokys, M.A. formerly fellow of King's College was born at Eton & was steward to the Lord Paget & afterwards one of the Esquire Bedels of the University & Registry of the same. He spent much time in collecting a Catalogue of the Chancellors, Vicechancellors, Proctors & other officers of the University¹. He gave a curious picture of all the habits of the several degrees & officers of the University to be hung up in the Consistory where it remains, or rather a newly-painted copy of it with his arms upon it, to this day. He likewise gave to King's College a fair draught of the same as it was designed by the founder, which used to be hung up in the inward Library. In 1585 he built & endowed an Alms House in Wall's Lane between the backsides of Sidney & Christ's Colleges in Trinity Parish, for six poor maids or widows, allowing them 9d per week & a gown annually: it is under the jurisdiction of the Vicechancellor who fills up the vacancies as they fall. He bequeathed four nobles annually for a Commemoration Sermon to be preached on the 12th of May in St. Botolph's Church with some other expenses there. The University Register from 1531 is wrote by him: most probably he wrote it for John Meers Esquire Bedel from 1523, when he was a Scholar of King's. In 1559 he put up a monument for his brother John Stokys², Public Orator of the University in King's College Chapel on the South side by the South door. By all which testimonies it evidently appears that he was not only a good scholar & anti-

¹ This book still exists in the Registry's office of the University: and there is little doubt that the book, from which the following extracts are taken, also belonged to the University, but was lost, in common with some other valuable documents intrusted to the custody of successive Vicechancellors: it is not known in whose possession it now is.

² His speech delivered to Queen Mary's visitors, on the 11th of January, 1556,

in the Gate House of Trinity College, is published by the Dean of Bristol, in his very interesting collection of Documents from the Library of Corpus Christi College: it is a bitter denunciation of the principles of the reformation, and remarkable for an elegance of Latinity which was very uncommon in that age: he was an eminent physician, and one of the most distinguished scholars of the day.

quary but also a most generous & public-spirited man & one much devoted to the honour of his mother University."

"Fuller says of him (Worthies of Buckinghamshire) a Register he was indeed both by his place and painful performance therein : for he (as the Poets fain of Janus with two faces) saw two worlds, that before and after the Reformation. In such junctures of time, so great the confusion and embezzling of records, that had not Master Stokes been the more careful I believe that though Cambridge would not be so oblivious as Messala Corvinus who forgot his own name, yet would she have forgotten the names of all her ancient officers. To secure whose succession to posterity, Mr. Stokes with great industry and fidelity collected a Catalogue of the Chancellors, Vicechancellors and Proctors. He was a zealous Papist (even unto persecution of others), which I note, not to disgrace his memory, but defend myself, for placing him before the Reformation, though he lived many years in the reign of Queen Elizabeth."

EXTRACTS FROM MR. STOKYS' BOOK.

THE ORDER OF THE QUESTIONISTS.

In primis, The Questionists shall gyve the Bedels warnynge upon the Le Daye ¹, that they may proclayme before thordynarie Readers ² in the common Schooles thentrynge of their Questions

¹ Academical days were divided into *dies legibiles et non legibiles*, usually designated as *Le* and *non Le* days, and into *dies disputabiles et non disputabiles*, which were also designated as *Dis et non Dis* days: the first were those on which the ordinary lectures and the ordinary exercises were or were not read or performed in the public schools: the second were those on which the more solemn disputations of the Masters of Arts were or were not held, and at which all senior sophisters were compelled to attend (*Statuta Acad.* p. 339): these disputations were preceded by *Dysses*, or Dissertations, and such days were thence also called *Dys* days: the same distinctions of days, similarly designated, pre-

vailed in the Universties of Oxford and Paris, with the addition also of days which were termed *Le fe*, or *dies legibiles festinanter*, on which lectures were anciently read, *cursorie*, as was done in certain seasons of the year and on Sundays, and which were chiefly confined to the *Ethics of Aristotle*: see BULÆUS, *Hist. Univ. Paris.* iii. 194, 195. 280, 281. and also, Wood's *History of Oxford*, book II, p. 22.

² These were the four Barnaby lectures on Terence, Logic, Philosophy, and Mathematics, so called from their being elected on the 11th of June, the feast of St. Barnabas. An ancient statute (*Stat. Ant.* 140) declares that no person shall be allowed to *determine* or *stand in*

at the accustomed Hower¹, which is at ix. of the Clocke, at the which Tyme the Bedells or one of them shall go to the Colledge, Howse Hall or Hostell where the sayed Questionists be, & at their entryng into the sayed Howse &c shall call & gyve Warninge in the middest of the Courte with thees words², Alons, Alons, goe Mrs goe, goe, & then to toll, or cause to be tolled the Bell of the Howse to gather the Mrs, Bachilers, Schoolers

quadragesima, who had not attended the lectures on *Terence*, (the only classical author publicly read in those days,) during two years, the lectures on logic for one year, and the lectures on the physics and metaphysics of Aristotle for one year. These three ordinary lecturers had schools appropriated to them, (called the *Terence*, logic and philosophy schools,) and had subsequently salaries of 3*l.* 6*s.* 8*d.* each, also assigned to them, independently of their *collectæ* or customary fees, by Sir Thomas Reade, in 1524: the lecture on mathematics was established by the university subsequently to the others, (*Stat. Ant.* 136.) with a salary of 4*l.* per annum, and the subjects which it comprehended were *arithmetic* and *music*, *geometry* and *perspective*, and lastly, *astronomy*, which were successively taught to the Bachelors of Arts of the first, second and third years. The Terence lecture was converted into one of rhetoric by the statutes of Edward VI. (*Stat. Acad.* p. 163.) These officers continue to be annually appointed, and their ancient salaries to be paid, though no vestiges of their duties remain.

¹ These questions were called *Priorums*, and were so called from their being taken from the *First Analytics* of Aristotle: (see the extracts from BEDELL *Buck's Book*, in Appendix B). An old statute (*Stat. Ant.* 140) ordered these questions to be entered, or rather answered (such being the meaning of the usual form of admission *ad respondendum quæstioni*) before Candlemas day; and in the curious account of Queen Mary's visitation in 1556, which Dr. Lamb has published, it is stated, that a grace was past on the

29th of January of that year, to dispense with the entering of the questions before the statutable period, which the proceedings of the visitation had probably interrupted. The *introitus posterium Analyticorum*, also called the entering of *posteriorum*, preceded the admission of Bachelors of Arts *ad incipiendum in Artibus*: in the ancient tables of fees, which accompanied the Elizabethan statutes, but which belonged to an earlier period, a fee of 5*s.* 4*d.* was paid by a Bachelor of Arts *volens incipere, pro introitu in libros posteriorum*, and which was chiefly designed to defray the salary of the Lector Mathematicus, (*Stat. Antiq.* 136).

² Many of the public forms of address, used by the Bedells, as will be seen in subsequent parts of these Extracts, were in the French language: some of them were probably derived, along with nearly all our other forms of proceeding, from the university of Paris, the most ancient and the most celebrated of the universities of Christendom. The use of the French language, which was that of the Court, was permitted, in common with Latin, in the statutes of some of our earlier colleges, such as Clare Hall, founded in 1326, and also in those of King's Hall, founded about the same period, as given by Richard II. Mr. Hallam has referred, (*Introduction to the Literature of Europe*, p. 63,) to a similar regulation in the statutes of Oriel College, Oxford, founded in 1328. No such permission was given in the more ancient statutes of Merton College, or in those of Peterhouse, which were almost entirely copied from them.

& Questionists together, and all the companye in their Habitts & Hoodds being assembled, the Bedells shall goe before the Junior Questionite, & so all the Rest in their order shall folowe bareheaded, & then the Father, & after all the Graduats & companye of the sayed Howse unto the common Schooles in dew Order; & when they do enter into the Schooles, one of the Bedells shall saye ¹, noter mater, bona nova, bona nova, & then the Father being placed in the Responsalls Seate, & his Chyldren standyng over agaynst hym in order, & theldest standyng in the hier Hand, & the rest in their Order accordyngly, the Bedyll shall proclayme, if he have any thyng to be proclaymed, & further saye, Reverende Pater, licebit tibi incipere, sedere et cooperiri si placet. That done, the Father shall enter hys commendacions ² of hys chyldren, & propounding of his Questions unto them, which the eldest shall first aunswer, & the Rest orderlye; & when the Father hathe added his conclusion unto the Questions, the Bedyll shall brynge them Home in the same order as they went: & if the Father shall uppon his Chyldrens Aunswer replie & make an Argument, then the Bedel shall knocke hym out ³, & at the uttermost schoole Dore the Questionists shall turne them to the Father & the Company & gyve them thanks for their commyng with them.

ASHEWENSDAYE.

FIRST, the Bedels erlye in the mornynge, every one in their severall Coursis, shall toll, or cause to be tolled in every Colledge, Howse, Hall or Hostell, where eny Determiners⁴ be, the bell to

¹ This form in later times, became "Bona nova, mater academia, bona nova," as may be seen in *BEDELL Buck's Book*, (Appendix B), which was drawn up in 1665: it is now discontinued in common with all other addresses of the Bedell.

² These commendations, during which the *children* knelt, and the bedells plucked their hoods over their faces, will be noticed hereafter.

³ This expedient was frequently resorted to, for the purpose of abridging the proceedings: it consisted in making so loud a noise by knocking the door, as to render the disputations inaudible.

⁴ Incepting bachelors of arts, whilst standing in *quadagesimá*, were called *Determinantes*, or *Determinatores*, inas-much as they were required, in the course of these ceremonies, to determine one or more questions in a strictly logical or

gather the Companye togyther, & so shall brynge them to St. Maries Church before viij. of the Clocke, the Junior goinge formost nexte the Bedell, & his Felowes followyng orderlye, & then the Masters & all the Companye: & last of all, the Bedells shall fetch the Determiners¹ of the Kyngs Colledge unto

sylogistic form: *Determinationes autem istæ*, (says DUBOULLAY *Hist. Univ. Paris.* tom. ii. p. 677,) in *Disputationibus solemnibus fiebant, nihilque aliud erant quam expositiones et explicationes terminorum Dialecticorum, propositionum et syllogismorum quos facere tenebatur quisquis ad magisterium adspirabat.* These determinations, which concluded all public disputations, were made by the doctor, master, or bachelor, who moderated or presided over them, and who reviewed the whole question disputed, noticed the imperfections or fallacies in the arguments advanced, and finally pronounced his decision or *determination, scholastico more.* In modern times, such determinations (in the divinity, law, and phisic schools) have ceased to be *extempore*, and have degenerated into formal dissertations which have no reference to the course of the previous disputation.

By an ancient statute (*Stat. Ant.* 140), no person was allowed to *determine pro se* before the completion of his *quadriennium*: at the end of an additional year, if he appeared to be fit and competent in *statura moribus et scientia*, or in *standing morals and knowledge*, he became *determinator pro aliis*, or he was allowed to determine the questions which formed the subjects of the disputations of the general sophisters (*Stat. Ant.* 141).

¹ The scholars of King's College were subject (as appears in the case mentioned), equally with all other students to the scholastic exercises which were required for B. A., M. A., or superior degrees: and it is obvious, with the views which were entertained in those days of the importance and value of such exercises, that a statutable ex-

emption from the performance of them would not have been regarded as a privilege, either by the founder of King's College, or any other contemporary authority; not to mention, that such a privilege, unconfirmed by papal sanction, would have deprived those who claimed it of the common rights attached to such degrees in all other universities.

The scholars of King's College have claimed, and enjoyed, as is well known, for a very long period, an exemption from the ordinary examination for B. A. degrees, as well as from the *deposition* of the regent doctors and masters in the case of all superior degrees, though it is very difficult to discover the origin and foundation of so very preposterous a privilege. The Composition between King's College and the university made in 1456, which Henry the Sixth confirmed, and which all graduates of the university are sworn to observe, (*Stat. Ant.* 115,) relates merely to the transfer of the powers of the chancellor of the university to the provost of King's College, in all cases, criminal or otherwise, affecting the scholars and all other members of that body, which *have their origin* within the precincts (most carefully defined) of the college: it further provides, that the provost, vice-provost, scholars, and other members of the college, shall, notwithstanding this composition, continue *æquâ gaudere libertate et capacitate quoad gradus ac officia suscipienda sicut cæteri ejusdem universitatis magistri et scholares*, and reciprocally that *nullus doctorum seu magistrorum dictæ universitatis propter effectum seu exemptionem aut jurisdictionem*, granted to the said provost and scholars by the

St. Maryes Church, & shall receyve eche of them a Payre of Gloves: & at viii of the Clocke the Vichauncellour shall be

foregoing composition, *DEPONERE differet aut recusabit*, in favour of any provost, scholar, or other member of the said college: or in other words, that no regent doctor or master of the university shall be influenced by this composition to *defer* or to *refuse* to make the *deposition* necessary for any degree which the members of King's College may claim: but it in no respect interferes with the free exercise of the powers which the regent doctors and masters of the university possessed, in all cases, of refusing to *depose* from other motives, whether for deficiency of *standing, morals, or knowledge*.

No *deposition* was required in the case of a B.A. degree, inasmuch as the competence of the candidate for admission was certified by the proctors, posers, or moderators, by whom he was examined (*Stat. Ant.* 141): but no admission to a superior degree could take place, unless, when not more than twelve regents were present, five of them could make deposition *de scientiâ*, and the remainder *de credulitate* (*Stat. Ant.* 86): by a later statute (88), a similar distribution of testimony was required if the number of regents present did not exceed sixteen; but if the number of such regents exceeded sixteen, one-third part of them, at least, were required to make deposition *de scientiâ*, and a majority of the remainder *de credulitate*: this law was re-enacted by the statutes of Elizabeth, cap. 19.

[The phrases *deponere de scientiâ et de credulitate*, are used technically to signify the deponent's *knowledge or belief* of the candidate's *notitia in statuta, moribus et scientiâ*, and consists, according to modern practice, in making a mark opposite the words *scio, credo, nescio*, written underneath each other.]

Again, no traces of the real or contemplated existence of such a privilege are discoverable in the statutes of King's College. In the 26th statute, *de tempore assumendi gradus inquâcunque fa-*

cultate, it is enacted, that any fellow or scholar proceeding to a degree in any faculty, "*annos in ipsâ scientiâ seu facultate juxta consuetudinem laudabilem ipsius Universitatis Cantabrigiensis necessarios et statutos et haberi consuetos absque remissione temporis aut completionis formæ habeat integros et completos antequam ad statum baccalaureatus in eadem facultate seu scientiâ admittatur*:" or in other words, that no fellow or scholar shall avail himself of any dispensation, either of *time* or *form*, (which in those days were constantly granted,) but that he should comply literally and entirely with the provisions of the statutes of the university. In a subsequent part of the same statute, no grace, *super remissione temporis aut non completionis formæ*, is permitted to be asked for, except in case of terms lost by reason of sickness (and then for one term only), or in the case of students in the canon law, who are allowed to ask for a dispensation to escape from swearing, *se audivisse Decretales completè*: similar indulgences, in one or two particular cases which are strictly defined, are granted to students in medicine and civil law. It is quite unnecessary to remark how incompatible these provisions of the statutes are with the existence or claim of any privileged exemption from the operation of the university statutes with respect to exercises or degrees.

It has been said, that King's College conferred degrees upon its own members, as an independent university, under the authority of a Papal Bull: as no reference, however, has ever been made to such a bull in any university document, we may very reasonably conclude that it never possessed more than a hypothetical existence for the purpose of explaining a very anomalous practice; if, however, such a document ever existed, its authority has ceased, since it was never confirmed by a royal charter or otherwise, and consequently could not be

fetchyd unto St. Maries Church & also the Preacher, if there be any Sermon; & if there be no Sermon, then there shall be Common Prayer; which done & finished, the Determiners shall apere before Mr. Proctours in the North Chappel, who there shall cause them to swere, *Jurabitur quod Determinetis ad placitum Procuratorum*¹; & then shall the Proctours apoynt them their Senioritie², & then shall go next unto the Junior Bedell,

pleaded as controlling or limiting the free legislation of the university.

It is said that graces for conferring degrees upon fellows of King's College ceased to be asked, according to the usual academical forms, about the year 1535, and that consequently this privilege, whatever may be its origin, has been enjoyed uninterruptedly for more than three centuries. It is very possible that a custom of such long continuance would be presumed, according to the practice of our courts of law, to have had a legal origin, and that consequently the university would possess no power either to repeal or to alter it.

The statutes of King's College are copied almost literally from those of New College, Oxford, which has exercised a similar privilege for more than four hundred years: it is not recognised either in the statutes of that college or university, and it is said to have been purchased from the university by William of Wykeham with a view to secure those who had been already for some time in possession of their fellowships, (to which they were admitted, when founder's kin, immediately, or, otherwise, within two years after their first admission to the university,) from the control of the regent masters, when the graces for their degrees were prayed for in the congregation. In the year 1607, (*Wood's Hist. Acad. Oxon.*) this privilege was vehemently resisted by the regent masters of the university; but upon an appeal to the chancellor of the university, Archbishop Bancroft, in 1608, it was decided by him in favour of the custom. The provost and fellows of that college, however, have very lately, most wisely waved

their right, and submitted their fellows to the ordinary examinations for degrees.

¹ No such oath is now administered. This proceeding constituted what was sometimes called the *Profession* of the Questionists.

² This seniority of the commencing bachelors or determiners, which was formerly made at the pleasure of the proctors on Ash Wednesday, constituted the first Tripos' List, which has since become so celebrated: it is probable that the list formed by the posers or examiners, which was headed by the most distinguished of the questionists, generally guided the proctors in their selection, though they frequently placed at the head of it some one or more of their personal friends or favourites: this custom of giving seniority by favour, (proctors *senior optimes*, as they were called,) which has vitiated the integrity of the earlier Tripos' Lists, did not cease altogether before the middle of the last century.

The second Tripos List, or of *junior optimes*, which was formed on the second Tripos day, had been most probably composed of those questionists, whose superiority was not already recognised, who had most distinguished themselves in the *quadagesimal* exercises.

It is extremely difficult to discover the origin of the subdivision of the first Tripos List into Wranglers and Senior Optimes: the first, as their name implies, were probably the most distinguished disputants in the public schools, to whom the highest honours were assigned; whilst the others might be considered worthy of the secondary distinction which they gained from other merits of a less public and prominent character.

the junior Questioniste, & so orderlye unto the Philosophie Schole; & nexte unto the Questionists shall folowe the father the ii^{de} Bedell goinge before hym, & then nexte the Father the two Procuratours, & the Bedell of Divinitie going before Mr. Vichauncellour, & so all shall goe unto the Philosophie Schooles, where Mr. Vichauncellor, the Doctours and other worshipfull Straungers shal be placed in the Stage provided for them. The Father shall be placed in the Responsall Seate, his eldest sone standyng at the Stalles ende upon hys right hande, Mr. Proctours shall sytt under the hie Chaire of the Reader¹. The Magistri non Regentes shall be placed in upper stalles upon Lectours syde, & the Magistri Regentes in the upper stalles upon the Father's side; & the Mr. Regent Disputers shall sit in the first Stall. And when every man is placed, the Senior Proctor shall, with some oration, shortly move the Father to begyn, who after his Exhortation unto his Children, shall call fourthe his eldest sone, & animate hym to dispute with an old Bachilour², which shall sit upon a stoole before Mr. Proctours, unto whome the sone

¹ The *lector ordinarius* in philosophy, one of the four lecturers noticed in note 1, p. 5.

² He was called the *bachelor of the stool*, or *tripos*, which gave the name to the day: he was generally selected for his skill and readiness in disputation, and was allowed, like the *prævaricator* at the *majora comitia*, and the *terra filius* at Oxford, considerable license of language, a privilege which was not unfrequently abused. (See the interpretation or decree of the Heads, in 1626. *De auferendis morionum inceptiis et scurribus jocus in disputationibus. Stat. Acad. Ant.* p. 336; and another in 1667, p. 494; and, also, the grace of the Senate in 1740.)

In the very curious account of Queen Mary's visitation in 1556 and 1557, which Dr. Lamb has lately published, we find the following notice of the proceedings on Ash Wednesday:—

“On Asshewendesday, rayne & snow together. It. Mr. Bronsted & I had in all the Bachelors before viii (at St.

Maryes), & shortly after the Vicechancellor began his sermon in S. Maryes, thuniversite Bell (*the school Bell*), & also St. Maryes Bell rynginge to the same, the Mayre & Aldermen being presente. It. the acte began before x & continued tyll halfe howre after iii no senioryte given, no byll made nor none called, but only ii of the seniors the Vic. and D. Sedgewycke were present from the begininge to the latter ende, Mr. Turner, Father, Syr Whytgyfte the bachelor (*of the stool*), Syr Brydges the eldest son, Mr^s. Otway, & Malyn replied upon the bachelors & onely Mr. Hutton apon the Father.”

This Syr Whytgyfte was afterwards master of Trinity, the framer of the Elizabethan statutes, and archbishop of Canterbury: the title of Syr was given to all bachelors, whether of arts, law, or physic, with reference to the inferior species of knighthood in which the term *baccalaureus* originated. Mr. Hutton was afterwards Master of Pembroke and Archbishop of York.

shall propounde 2 Questions, & in bothe them shall the sone dispute, askyng leave of Mr. Proctour untill the Proctour shall wyll hym to gyve Place unto hys Father. Then shall the Bedels, standyng before the Father, make curtesye, and say in Frenche, *Noter Determiners, Je vous remercie de le Argent que vous avez donner a moy et a meis companiouns: purquoy je prie a Dieu que il vous veuillez donner tre bõne vie, et en la Fin la Joye de Paradise.* And then make curteseye unto Mr. Proctours & then to the Father agayne, sayinge, *Permissum est Dominationi tue incipere, sedere, cooperiri quando velis.* Then the Father askyng *Licens* of Mr Proctours, shall dispute with the old Bachilour, & after hym two Regents; & when the sayed twoe Regents have ended at thappoyntement of Mr Proctours, then shall the Father of thacte, puttynge of his bonet, propounde two other new Questions & discourse upon them in such manner as he wyll defende the same, agaynst whom two other Regents shall dispute so longe as shalbe thought good unto Mr Proctours, which with some convenient oration shall conclude this dayes dysputation, saying, “*Nos continuamus hanc Disputacionem in Horam primam Diei Jovis post quartam Dominicam hujus Quadragesime.*” And immediatlye a Sophister provided by the Proctour shall knele before the Responsall sett, & have for hys labour 4^d. & 1 Lib of Figgs. Then the Bedell, havynge a Rolle of all the Questionists accordyng to their Senioritie, shall call them, and set them thorough the Responsall Seat, begynnyng with the Senior, & at his entring the Proctour shall saye, *Incipiatis*, & pausyng a whyle, shall saye, *Ad oppositum*, then *Redeatis*, and last *Exeatis*: & with that the Questioniste senior shall goe fourthe of the Stall: & this order & words shalbe observed severally with everye one of them. And at one of the clocke upon the Thursdaye before Passion Sondaye, in the same Place & Schooles shall all meet, & lieke order in Disputation in all poynts, savyng that the Bedells speake no Frenche, is to be observed, with the knelyng of the Sophister, & the præscripte words *Incipiatis*, &c. and when all have passed thorough the Stalle, then shall the senior Procurator saye, *In Dei nomine Amen. Autoritate qua fungimur, decernimus, creamus, et*

pronunciamus omnes hujus anni Determinatores finaliter determinasse, et actualiter esse in Artibus Bachalaureos.

Nota. That this Acte done, the Vichauncellour, the Proctours, the Father, all the Disputers, & the Bachiler, that answered, with the iij Bedells¹, have a supper of the charge of the Determiners, at what Howse the Proctours shall apoynte.

Item. All the foresayed Persons have the licke supper upon the Thursdaye before Shrove Sondaye at the sayed Determiners Charge.

Item. The Determiners of every Howse &c. do gyve 4 Payre of Gloves for the Father, Mr Proctours, and the Bachiler awnswerynge.

Item. When the Bedells hathe gathered in all the Gloves, then the Proctours to gyve to eche Bedell a Payr for their Payns.

Item. The Senior Mr Regent or non Regent replyeth first bothe upon the Father, & also upon the Bachiler.

Item. All the Determiners dothe sytte in the New Chappel²

¹ There were formerly only two bedells (*Stat. Ant.* 72), one to attend in the schools of theology and canon law, and the other in all the other schools: it is evident, however, both from this passage and a subsequent one, in which a third bedell is mentioned, that an addition had been made to their number; though no record is discoverable of the time when the appointment took place. In the statutes of Edward the Sixth, (*Stat. Acad.* p. 156,) three bedells are mentioned, and it is quite obvious that the statute merely recognized the practice which already existed. Queen Mary restored the authority of the ancient statutes, which allowed of only two bedells, and we consequently find that a grace was considered necessary, in 1556, to appoint a third bedell to aid the other two. During the visitation of the university, however, in the following year, the same grace was repropounded on 1st of February, after reading the old statutes, in the following form:—*Placeat vobis ut tres sint Bedelli*, NON OBSTANTE STATUTO: this grace was rejected, and the third bedell Mr. Muryell, was consequently dismissed,

as having no statutable appointment: he was restored again, upon the accession of Elizabeth. See DR. LAMB'S *Collection of Documents from C. C. College Library*, p. 214. It may be proper to remark that the Elizabethan statutes re-enacted all the ancient forms of taking degrees.

² This was the chapel attached to the divinity schools, and used for the solemn assemblies of the university, which was founded by the executors of Sir William Thorpe in 1398, for whose soul and that of his lady, every person admitted to a degree in any faculty was required to pronounce the *de profundis* and the customary prayers for the dead. (*Stat. Antiqua*, No. 184.) It now forms part of the public library above the divinity schools.

It was formerly the custom, which probably originated in this bequest and condition, for every person, after admission to a degree, to go to the end of the table, near the vice-chancellor, and kneel down and make his devotions. "This and every decent custom," says Cole, "which was in use when I was admitted, is now forgotten, ridiculed, and neglected,

within the schooles from one of the Clocke untill fyve, upon the Mondaye, Twesdaye, Wensdaye, & Thursdaye in the weeke before Shrove Sondag¹, abyding there examynation of so many masters as wyll repayre for that cause thether: & from three to 4 all they have a Potation of Figgs, Reasons, & Almons, Bonnes, & Beer, at the charge of the sayed Determiners, whereat all the Bedells maye be present daylye: & upon the Thursdaye they be onlye examined in Songe & wrightynge. And twoe Magister Regents², allowed & appoynted by the whole Universitie upon the Fryday folowyng, maketh by the senior of them an oration before the University, standyng by the chaire of the Vichauncelor, declaryng what Towardnes they have found in the Tyme of their examination: & if they sayed Examiners do disalow eny, he shall not procede.

Item. Mr Proctours dothe sende by the Bedels to every Disputer a payre of Gloves, when they have fynished their disputation. Also they use to send to other worshipfull persons then present, at their Discretion & Plesure.

by an age, clergy and academics, that have lost all sense of former obligation, and mind nothing but self-interest."—COLE'S MSS. vol. li. It is proper to add, that Cole's attachment to ancient practices, both ecclesiastical and civil, was stronger than was altogether becoming in a minister of the Church of England, or a loyal subject of the House of Hanover.

¹ This examination subsequently took place at an earlier period, on the Monday, Tuesday, and Wednesday in the week, or the next week save one, after the 12th of January: this was done with a view to give more time for entering the questions or *priorums*, (note², p. 5,) previous to the ceremonies of *standing in quadragesimâ*: all regent masters of arts were presumed to take part in it, though the proctors or posers alone had the power of final approbation or refusal. This interference of the general body of the regents in the examination continued until the year 1785, or about that time, when it was finally discontinued, and the

examination left to the uncontrolled discretion of the moderators, or their assistant examiners.

² These two regents, anciently called posers, and afterwards moderators, derived their authority from an ancient statute (*Stat. Ant.* 131): the process of examination was called *apposing* or *posing*. In the account of Queen Mary's visitation, (p. 225,) on Thursday, 18th February, 1556, it is said,—“It. the Bachelors were apposed in the Terence Scholes:” and on Friday the 19th,—“It. at ix congregatio regentium et non regentium and Mr. Wendon the Senior *apposer* made thoration for thapprobacion of the Bachelors & no other grace axed.” It would further appear from the records of this visitation, that many of the colleges had entered their questions before the examination and admission of the questionists, an irregularity which may be accounted for by the peculiar circumstances of the times, and the disturbed state of the university.

Item. The Bedels in the Tyme of thys Disputation ought to goe in their Hoods & Quoiffys, & to brynge every Doctour or Mr of a Howse thorowghe the Prese with their Staffs turned.

Item. All the Determiners shall stande in the Common Schooles everye Lee Daye from Ashe wensdaye untill the last Acte, with one Sophister with hym, havng three Questions of Dialecte & Philosophye wrytten fayer on a paper, & leyd before hym in the Stall, unto the which he shalbe apoynted unto by Mr Proctours; & there he, & his Sophister to answer all Schoolers & Bachylers that wyll argue agaynst hys sayed Questions. And yf it be onlye a Lee Daye, they stande in the Fornone from ix to xi. of the Clocke, & yf it be Dys, then from one of the Clocke, untill fyve, onles Mr Proctours do licens them to departe. And one of the Bedels must daylye, at the ordenarye Lectures & at the Disputation, signifye or proclayme thorder of their standynge, with thees words, or the licke, upon the Lee Dayes: Noter Determiners, devaunt Diner sub spe, sub spe longa, vel sine spe. And upon the Dis Dayes; Noter &c. Apres diner, sub spe &c.¹ And one of the Bedels muste everye Daye set the sayed Questionists to there Disputation, saying openlye, Incipiat. And if eny vacation, or eni intermission from the sayed Disputation be graunted by Mr Proctours, then the Bedel must saye: Incipiat; ad Oppositum; Redeatis; Exeatis; Gratias Agatis Magistro N. N. And so they all departe for that daye. And you shall understande, that Mr Vichauncellor, Mr Proctours, the Father, the Opposiers, the Bachiler awnswerynge, & the Bedels have an ordinarye Daye of Intermission at the assignement of Mr Proctours, who also may at their Plesure graunt the licke unto eny other.

¹ It is difficult to discover the meaning or origin of this form of words, though probably derived, like all the other ceremonies of *standing in quadragesimâ*, from the university of Paris: there were few universities in Europe where the determiners or candidates for the bachelorship were not subject to the same succession of ceremonies during the season of Lent: in the university of Oxford, with the exception of the powers

given to the collectors, themselves likewise determiners appointed by the proctors, who distributed the other determiners into the different schools, and also assigned the order of their disputations, the process of standing in *quadragesimâ* was nearly, if not precisely, the same.

A more minute account of these ceremonies will be found in the extracts from Bedell Buck's book, in Appendix B.

Item. Upon the Daye of the last Acte the Bedell dothe prayme with thees wordes, Noter Determiners, apres diner sine spe cum Patre.

Item. The iiij^{or} first Saterdayes of Lent, every one of the Determiners must come in his Habite & Hooode to St. Maries Church at ix. of the Clocke, & there singe the Common Prayers, & offer every day 1^d. to thuse of the Church: & the Bedels for gyvyng their attendance have every daye an Hundred Oysters & Wyne to the same.

Item. Every of the Proctours appoyntethe one Questioniste to be Stewarde, & to serve the Bevers, which for their labour are discharged of their contribution unto the said Bevers & Suppers.

Item. The Precher that dothe preche upon Ashewensdaye must in his Habite folowe the Determiners, one Bedell going before the sayed Precher, & one other before the Questionists.

Item. No man at this Acte within the Listys or Rayles ought to departe or goe fourthe without Licens askyd & obtayned of Mr Proctours, onles he be a Doctour or a Stranger¹.

¹ There is another and shorter account of the Order of the Questionists given in this MSS.: but as it supplies no additional particulars, it is omitted.

In an ancient table of fees, which is given in this MSS., the following are the different objects for which payments are made by a questionist:—

1. Capellano Universitatis pro cruce.
2. Procuratoribus et scriptori pro gratiâ petendâ.
3. Eisdem pro exoneratione conscientie.
4. Pro potacionibus in Hebdomadis oppositionum.
5. Pro oblationibus in quatuor sabbatis quadragesimæ.
6. Pro chirothecis in die cinerum Patri, procuratoribus et seniori baccalaureo.
7. Pulsatori campanæ in admissione.
8. Pro Horologio.
9. Pro custodia librorum.
10. Pro communâ universitati.
11. Bedellis pro collatione.
12. Eisdem pro introitu priorum.
13. Eisdem pro chirothecis et prandiis.

14. Pro computatione.

15. Pro mathematico lectore.

The object and origin of most of these payments have been explained in the preceding notes. The university cross was borne by a *master of grammar* of his first year, or by his deputy, (Stat. Ant. 117,) in all public processions: this cross was sold by the university in King Edward the Sixth's reign, to pay the expenses of the Vicechancellor and the master of Peterhouse for their journey to London, and for feeing the great officers of state, in order to obtain a renewal of the university charters: it was replaced by Bishop Gardiner's orders, on the accession of Queen Mary. The payment for *exoneratio conscientie*, which was made on admission to all degrees, was probably a compensation for the accidental or wilful neglect of some academical ceremony or statute: gloves would appear to have been the customary present in all universities; in the university of Paris they were distributed in even greater profusion than in that of Cambridge.

MR. STOKES'S MS.

M^d. That on Saynt Vyncent Day in January there is a Dirige kepte att Saynt Botulphe Chyrche in Cambryege, att three of the clocke, to the whych commythe M Vicechauncellar and the Proctars.

Nota. That at generall Processyons Chanons¹ (if any do oppose) they shall goo behinde the Bachelars of Lawe, and before the Masters in Art.

Nota. That Monkys that oppose, whether he be of Saynt Benedyctys Order or noo, att generall Processyons shall goo wythe there Relygyon, and in lyke wyse Fryers².

¹ The white canons, or canons regular of the order of St. Augustine, established themselves in the university (near Little St. Mary's Church) in the year 1289.

² Monks and friars were distinguished from each other as possessing, or as not possessing, lands or other endowments beyond the immediate precincts of their monasteries. The former, as it is well known, frequently possessed immense riches; the latter trusted, or were presumed to trust, to the daily alms of the neighbourhood for their support, distributing to the poor at the close of each day whatever was not requisite for their own maintenance. There were only four orders of mendicant friars allowed by the Council of Lyons, each of which had their establishment in Cambridge:—the Carmelites, between the lodges of Queen's and King's Colleges; the Augustines (Austin friars), near the site of the present botanic garden, remains of the monastery forming part of the gardener's present house; the Dominicans, preaching or black friars, on the site of Emanuel College; and the Franciscans, minorite or gray friars, on the site of Sidney Sussex College. There were many other religious establishments in Cambridge, most of which, from time to time, were swallowed up in the foundations of different colleges.

In an old statute (*Stat. Ant.* 174), the following was the order in which the different religious bodies and members of the university and others, were marshalled in the general processions made in honour of the benefactors of the university on the first Fridays in Advent, and before Easter and Ascension Days.

1. The parochial chaplains in their surplices, bearing their respective crosses, and chanting the Litany.
2. The white canons of St. Augustine.
3. The Carmelites.
4. The Franciscans.
5. The Dominicans.
6. The Hospitallers, or brethren of the order of St. John the Evangelist (Augustines on the site of St. John's College).
7. The bachelors of the university.
8. The chaplains of the university.
9. Regent masters of arts.
10. Non-regent masters of arts, &c., *et tunc plebs.*

In all these processions it was specially ordered to pray for the soul of Michael Cawston, chancellor of the university in 1361, and master of Michael House, who died in 1395; *et qui universitatem et omnia collegia ejusdem donis cumulavit.*

Nota. That at Generall Processyons all Inceptours that war no Gremyallys¹ shall goo before the Regentys, And if they have ben Gremyallys they shall goo behynde the Proctours and before the Doctours.

¹ *Gremials* were those who were permanent residents in the university and generally also associated members of it, living in some college, hall, or hostel, as principals, fellows, or scholars. Thus *gremials* of a convent (DUCANGE in voce) were the members of the house, and not the general members of the order. *Gremials* who were masters of arts, or of higher degrees, were alone members of the congregation or senate; thus we find (*Stat. Ant.* 40 and 64) that for different offences enumerated, *Gremials*, who were regents or non regents, were punished by suspension, *ab omni datione vocis tam in electionibus quam in concedendis gratiis vel negandis*, until absolution was granted by the senate; whilst *non gremials*, under similar circumstances, were suspended, *ab omni gradu et forma ulterius suscipiendis in quacunque facultate*, &c.: and it is added, as a note to one of these statutes, that *pœnam illam non intrandæ congregationis gremialibus ut justum fuerit solis assignavimus*; leaving it to be inferred that to *gremials* alone was reserved the right of entering the congregation, though other statutes might lead to a different conclusion (*Stat. Ant.* 62). *Gremial* masters of arts, were allowed to wear silk in their gowns and hoods, in common with the sons of noblemen and the holders of benefices of the annual value of thirty marcs, or of prebends or dignities of the annual value of forty marcs (*Stat. Ant.* 176); and when they died, their funeral processions were attended by the chancellor and other members of the University, at the same time that all ordinary lectures and disputations were suspended during three days (*Stat. Ant.* 179): the latter provision of this statute is still obeyed.

In the following very remarkable

statute of Jesus College, the term *Gremialis* can have no meaning different from that we have assigned to it.

Item. Statuimus ordinamus et volumus quod unusquisque Gremialis infra Collegium nostrum moram trahens, in electione officii sive officialium universitatis vota sive voces suas dabit secundum quod magister et major pars sociorum fore dandas decreverint et determinaverint sub pœna arbitrio magistri et duorum sociorum seniorum in contrafacientes infligendâ.

It appears, therefore, that the term *gremial* was appropriated exclusively to those who were usually or permanently resident within the university, and who, in virtue of that character, were entitled to enter the congregations of *regent* or *non regent* masters; in later times, it has been applied to denote those who are members of the senate, in conformity with existing regulations, though this condition includes great numbers who are not *gremials* according to the ordinary and statutable meaning of the term. It is in this extended sense that it has been applied to designate those who are *not* entitled to the benefit of the interpretation given in 1575 of the 21st chapter of the Elizabethan statutes, which is made the foundation of *per saltum* degrees, and which consequently excludes all persons whose names are upon the college boards, and therefore members of the senate, but who have ceased to be *proper gremials* or permanent residents in the university. The least examination, however, of the original interpretation will shew, that whilst it rigorously forbids dispensation in favour of those persons who are constantly resident in the university, or who have been resident during the periods prescribed by the statutes for the performance of such exercises, and who may therefore be

DE SERMONS AD CLERUM.

Memorandum. When ther is a Sermon Ad Clerum that the Bedellys shall warne itt in the Tyme of a Congregatyon, or at summe other lawfull Tyme before the Day of hys Sermon, and the bedellys shall sett hym from hys Place to Sancte Mary Chyrche, And when he goyth in to the Pulpytt, the Bedell shall say, iff he be a Doctor, *Nouter* Segnior Docto^r, iff he be a Bachelar, Nouter tresreverent Bachelar, And when the Sermon is don, he shall be brought Home wythe the Bedels, the Bedels havynge for there Labors ether there Dyners, or els xii^d. in money: And in the Sermon tyme ther shall be sett Stolys for the Gremyals that cum in ther Habytys, & lowyst on the syde wher the non Regentys sytt shall be sett a Stole for the Opposers that shall oppose that rere¹ (*sic*) in Dyvynyte, and on the other syde behynde the Regentys shall sytt the Bachelars off Dyvynyte.

M^d. When there is a Sermon Ad Clerum, iff a Bachelar of Dyvynite make itt, or a Doctour for a Bachelar, it shall be rong to wyth the lytyll Bell: But iff itt be a Doctour, & for a Doctour Sermon, itt shall be rong to wyth the great Bell.

reasonably expected and required to observe the regular course and progression of academical exercises and degrees, it authorises its concession to those, and to those only, who have *been formerly* distinguished in scholastic exercises, but who have been prevented, by their non-residence in the university, (whether in consequence of the occupation of civil and ecclesiastical dignities or of public and important employments,) from complying with the rigorous conditions, whether of time or exercise, which the statutes require. The absurd condition which is now imposed upon all persons claiming *per saltum* degrees, of ceasing, or of having ceased, to be members of the university, by the removal of their names from the boards of the college to which they belong, in order that they may become *non gremials*, a term which does not occur in the interpretation in the Statute Book, and of thus satisfy-

ing an erroneous interpretation of the opposite term, was clearly never contemplated by the framers of this relaxation of the rigorous conditions of the Elizabethan code, and is equally contrary to its letter and its spirit. Its effects have been singularly injurious to the university: for whilst on the one hand it has helped to banish from the university many of its most attached and distinguished members, who have been compelled to take *per saltum* degrees, in consequence of their promotion to high preferments in the church; it has tended, on the other, by the universal neglect of the former academical character, as well as of the literary or professional attainments, of those persons who have claimed and obtained its privileges, most seriously to lower the estimation and dignity of our superior degrees.

¹ Probably *year*.

M^d. When a Doctour dothe make a Sermon Ad Clerum that all the Opposars wythe the Bedellys shall sett hym to Saynete Mary Chyrch and bryng Home agayn: excepte itt be on Ashe Wednesday, or when ther is a generall Processyon, then the Bedellys shall not bryng hym home.

M^d. That at a Sermon Ad Clerum in Saynete Mary Chyrche the Whyte Chanons shall sytt in the iiijth Stall on the Sowth, & the Monkys in the iiijth Stall on the North syde: And them thus to be sett the Bedellys must gyve Attendance.

M^d. That the Bedell in Dyvinyte shall geve to hym that prechythe, Ad Clerum, a Byll in the whych Byll shall be wryten, Orabitis pro Anima Regis Richardi tercii¹, et pro Anima Magistri Thoma Barowe Archidiaconi Colcestrie²: And iff the Sermon be att a generall Processyon besydes thows sowles have to (sic) Orabitis pro Anima M. Thome Causton³.

M^d. That the Whyte Chanons pay to the Bedellys on Saynete Gylbertys Day, that is in Crastino Purificationis, vij^s.

Item. The Monkys pay to the Bedellys in Quinquagesima Dominica, every monke that is a Pensyon^r xx^d. equally to be dyvydyd among the Bedellys, except that he be a graduatt, then he shall not pay.

Iff a Bachelar off Dyvynyte⁴ preche for hys Frurme⁵, (sic) or a

¹ Amongst the letters of thanks from the university to kings and benefactors, there is one (March 6, 1483) to King Richard III., acknowledging various gifts and favours; he was likewise a benefactor to Clare Hall and King's Hall, (afterwards incorporated into Trinity College,) and his portrait still exists in the painted glass on the window at the north end of the hall of Trinity College; it is a singular circumstance that his memory should be thus publicly honoured by the university in the life-time of King Henry VII.

² Dr. Barow gave 240*l*. towards the re-building of St. Mary's church, which was begun in 1478, and was finished in 1519, at the entire cost of 795*l*. (Dr. LAMB'S *Collection of Documents*, &c., p. 7); it had been burnt down in

the year 1290. The choir was probably completed at a much earlier period, and used for all ordinary university purposes.

³ By this it appears that this part of the MSS., from p. 13 to 24, except one leaf at p. 19 *b*, 20 *a*, was written in Henry VII.'s time. It is wrote in a stiff sort of print hand. Dr. Barowe died 1499. WM. COLE.

⁴ Every master of arts or bachelor of divinity, previously to his admission to a superior degree, was required to preach a *sermo ad clerum* and a *sermo examinatus* (*Stat. Ant.* 167 and 169); to these was subsequently added a sermon at *St. Paul's Cross* (*Stat. Ant.* 31, et *Statut. anno 12 Eliz. cap. x.*); on every Sunday, likewise, during the continuance of the ordinary lectures, a

Doctor for a Bachelor, he shall take hys day of Mr Proctours ; & iff it be a Sermon examinatorye, the Day than shall be taken of Mr Vicechauncellar¹.

THE VEPERS IN ARTE².

Nota. That the Day byfore the Vepers the Doctours that shall comense wyth the Compownders³ (iff any be) shall goo att after none to everye Place where anye Regentys be, to bydde them to Dynar by name, & all the Bedyllys shall goo byfore them, & on off the Bedellys shall call the Regentys by name after as they be in Senyoryte in there Places, & everye Bedell to call as hys course lyethe. But Fryers that commense Doctours be not bounde to thys.

sermon *ad clerum* was preached either by a doctor or a bachelor of divinity.

⁵ *Form*: that is, if the sermon be one which is preached as an exercise, according to the provisions of the statutes.

¹ *Stat. Ant. 167. De sermonibus examinatoriis.*

² In introducing the *Vespers in Arte* in this place, we have departed from the order of the MSS., though we thus preserve the proper order and succession of the subjects ; it will be found, however, that the Vespers in Divinity, which are next in order in the MSS., refer to the Vespers in Art as having been already described.

The *Vesperie* in the different faculties, as the name partly implies, were the ceremonies and disputations which took place on the day preceding the *Comitia Maxima*, or great commencement, on the first Tuesday in July ; the proceedings of these two days, the most splendid and the most frequented of all the ceremonies of the academical year, were the same in name, and nearly in form likewise, in all the universities of Christendom. These ceremonies, which had prevailed from the early ages of the university, and which were formally re-enacted by the statutes of Elizabeth (cap. xxii.) have been discontinued

for more than a century. A very detailed account of them, as practised in 1665, will be found in the extracts from BEDELL BUCK'S *Book*, in Appendix B.

³ All persons possessed of forty marks of annual revenue, which in those days constituted an ample fortune, were deemed *compounders*, both by the old statutes and those of Elizabeth, and were required to give *gowns* to the chancellor, proctors, scrutators ; five yards of cloth to each of the three bedels ; a tunic to the bell-ringer (*solito more academice*) and to compound (*rationabiliter*) on reasonable terms (*Stat. Acad. p. 262*) for their other fees. They were also required, in conjunction with the *commencing* doctors of all faculties and orders, (those of the four mendicant orders alone excepted,) to give a dinner to all the regents and officers of the university : these entertainments, though frequently restrained by sumptuary laws (*Statut. Acad. p. 62, 404, 406, &c.*) became so very expensive, that they were finally abolished, and a fixed payment of 8*l.* 6*s.* 8*d.* was accepted in lieu of all other claims whatever.

Similar entertainments were given in the University of Paris upon the commencement of doctors and masters, and

In the mornyng att vii off the Clocke all the Inceptours in Arte shall assemble att the College or Place where the Father¹ is abydyng. Than the Father shall call hys Chyldren lyke as he

led to similar excesses, and in consequence, Pope Clement V., in 1311, in the well-known Clementine *De Magistris*, (see note to p. xxxix,) ordered that such persons should be bound by oath *ne ultra tria millia Turonensium argenteorum in solennitate circa hujusmodi doctoratum aut magisterium quomodolibet adhibenda expendent*. It is a singular proof of the community of the laws and customs of different universities, constituted by papal authority, that we find the same sumptuary law, and nearly in the same words, in the statutes of Paris, Oxford, and Cambridge. Thus in one of our ancient statutes (*Stat. Ant.* 127) we find the following passage: *jurent etiam in quacunque facultate incepturi quod ultra tria millia Turonensium argentorum seu illorum valorem in solennitate circa doctoratum aut magisterium habendum non expendant*. Our lawgivers did not even take the trouble of translating the sum expressed in the silver coinage of Tours (Livres Tournois) into its equivalent in the silver coinage of this country; it was equal to 41l. 13s. 4d. of the English money of that period, an enormous sum. In the University of Oxford, (Woon, *Hist. Univ. Oxon.* p. 26,) every inceptor was obliged to swear *quod non expendes in inceptione tuâ ultra tria millia Turonensium grossorum*: the *grossi* and *argentei Turonenses* were the same. On occasions however of the inception of noblemen, this very comprehensive sumptuary law was allowed to be departed from, in conformity with the provisions of the same canon of Pope Clement. Thus in 1452, George Nevill of Balliol College, brother of the great Earl of Warwick, who, after performing his exercises for the degree of master of arts, in the nave of St. Mary's church, celebrated his inception with an entertainment,

continued during two days; on the first of which sixty dishes, and on the second two hundred were served. The following is the bill of fare given by A. Wood for the three chief tables, and may very fairly be supposed to comprehend all the chief delicacies of the age.

1st Table.

A suttletee, the bore-head and the bull.
Frumenty and venyson.
Fesant in brase.
Swan with chowdre.
Capon of Grece.
Hernshaw.
Poplar.
Custard royall.
Grant flanport desserted.
Leshe damask.
Frutor lumbent.
A suttletee.

2nd Table.

Viant in brase	Carcall.
Crane in sawce.	Partrych.
Yong pocock.	Venyson baked.
Cony	Fryed meat in port.
Pygeons	Lesh lumbent.
Bytter	A frutor.
Curlew	A suttletee.

3rd Table.

Gely royall desserted.	Larkys.
Hanch of venson roasted.	Quyncees baked.
Wodecoke.	Viaunt in port.
Plover.	A frutor.
Knottys.	Lesh.
Styntis.	A suttletee.
Quayles.	

¹ The father was usually, and in later times necessarily, one of the proctors, who was chosen by the inceptors (*Stat. Acad.* p. 334); it is the senior proctor who now, in the ceremony of creation, discharges the office of father.

wyll have them in Senyoryte, begynnyng at the Eldyst, & so descendyng to the youngest; than he shall goo before them all, & hys eldest sonne nexte hym, & so they shall take upp the Scolys; fyrst the Comyn Scolys, the Master in Ordynarye redyng in everye Scolys, as the Facultye requyryth: And so in everye Howse of Fryers¹, where any Regent is. In takyng up the Scolys, the Doctour shall rede the same tyme, & in enteryng the Scolys on of the Bedellys shall saye, Notour Senieur Commenseurs. Than on off the Bedellys shall say, Domine Doctor, Questiones disputande in solemnibus Vesperis in Scolis Artium sunt he, rehearsing the Questiones; & so in all other Facultyes rehearsing the Questiones, and rehearsing also the Questyons to be dysputyde on the Commensment Day². That done, on other Bedell shall say in French, Nostre Seigneur Doctour, une Parolle sil vou Plaist, nostres Peres de nostres Seignours Commenseurs vous prient que vous estes demayn a son Commencement en l'Eglise de notre Dame. After the takyng up off the Scolys, the Father shall comme to the Scolys, & ther gyve Benedyctyon to hys Chyldren. That don, the Bedyll shall bryng the Inceptours in Arte to the Place where the commensment shall be kepte, and so shall begynn the Vepers in Arte, and in Civill, (iff there be any Commensars in Civill.) The Father in Arte shall purpose ij Questyons, and the youngest off the Inceptours shall ansure to them, takyng away from the whych may be convenyent varyatyon. After he hath ansueryd in eyther mater to one argument shall stonde up a Regent, whyche shall rehearse the maters & the way whych the Inceptour dyd put afore hym: After that he shall say hys proposytion, & put what way he wyll take & holde; & whan the Father hath made on Argument agenst hys Posytion in the fyrst mater, then he shall declare the mater, or els both together, whether itt plesse hym, & after he hathe ansuryde to

¹ By a statute passed in 1369, only one friar of the same house (of the four mendicant orders) was allowed to incept in each year; the privileges of these bodies, both in this university and in that of Paris, appear to have

been guarded against with great caution and even jealousy.

² These questions had been previously submitted to the chancellor or vice-chancellor, and approved by him. See the extracts from BEDELL BUCK'S *Book*. Appendix B.

the Father, & to as many non Regentys as be assyde (*sic*) to argue, than he shall take the Questyons off the seconde Sone, ascendyng so orderlye from the yongest to the eldyst, sayng thus, He sunt Questiones ad quas respondebit Filius meus secundus in Ordine. Then the Secunde Sonne shall ryse & rehearse the Questyons, & put hys Conclusyons, saing thus, Conclusiones concernentes has materias sunt hæ. Whan itt is come to the last Inceptour, the eldyst Bachelar in Dyvinitye whych is present than shall purpose hys Questyons, & he shall have Argumentys for both partys of both the maters, and than the eldyst sonne shall begynne to rehearse the Argumentys, and he shall be clappyde out¹. Than the Proctour shall make as many ley ther handys on the Boke as may, & he shall say, Jurabitur quod nunquam resumetis Gradum, Bachalariatus in eadem facultate de cetero². After that the Father shall rede hys Comendatyon, hys Chyl dren folowyng, & there whodys pluckydde on there Hedys³; & that don, the Bedyll shall say, Honorande Magister, solent queri Questiones. Than the Father shall repete the Bedellys Saing, & say thus, Solent queri Questiones sub quo? quando? et ubi? Then Father shall rehearse itt agayn, & say

¹ See Note, App. A., p. 6.

² A similar oath against the resumption of the degree of bachelor of arts in any other university or religious house, was exacted from all inceptors in the university of Oxford, under the following very singular form:—

“*Magister tu jurabis quod nunquam consenties in reconciliationem Henrici Simeonis, nec statum Baccalaureatus iterum tibi assumes.*—*Statuta Acad. Oxon.* p. 50, 1634.

Twyne, the Oxford antiquary (*Antiquitatis Acad. Oxon. Apol.* lib. iii. p. 376,) says, that this oath originated in the time of King John, when Henry Simeon, an Oxford regent master of arts, was ordered by the king to be chosen into a foreign monastery, where no regency in secular arts was allowed, and from which, therefore, the open

assumption of his degree would have excluded him; he consented to abandon it, and feigned himself to be a bachelor of arts only: there is every probability, from the form of the oath, that it was framed in the lifetime of the delinquent.

The phrase *de cætero*, at the conclusion of the oath in the text, was universally used in the Latinity of the Middle Ages to denote *hereafter*: it is used in this sense in most of our ancient statutes.

³ This was always done by one of the Bedells, during the time that the father pronounced his commendation, with a view to consult, as has been said, the modesty of the inceptors, which might otherwise be offended, or their blushes betrayed, upon hearing the praises bestowed upon them.—ANT. WOOD, *Hist. Univ. Oxon.* p. 23.

thys that folowyth: Sub quo¹? Sub meips, Deo dante. Quando? Die Lune. ubi? In ecclesia Beate Marie Virginis. And thus endyth the Vepers in Arte.

Nota. That the Fathers & the Bedellys shall dyne wyth the eldyst Inceptour that Day.

Nota. The Non Regentys shall sytt behynde the Bachelars of Dyvinite, the Opposars before the Proctours.

Nota. That the Father in Arte in the Vepers shall sytt in the West ende off the Chyrche and the Proctours on the Sowth syde.

THE COMMENSMENT IN ARTE.

IN the Mornyng on the Commensment Day all the Inceptours shall assemble att the Fathers Place, as they dyd the day off the Vepers: than the yongest shall go fyrst, & the Father shall cumme behynde wyth hys eldyst Sonne next hym, all to Saynt Marye Chyrche: The Father shall sytt before the Auter, & as many off hys Chyldren as may. Iff there be Commensment in Divinite & Lawe that Day, the Father of Dyvinite shall sytt in the myddys of the Gresynge before the Hyghe Auter, covered iff he wyll, & hys eldyst Sone on hys ryght Hande barehede, & all other on the lefte Honde. Than nexte hym the Father in Lawe & in lyke wyse hys eldyst Son on his ryght Honde, & all other on the lefte Honde². Then the Father in Arte wyth everye

¹ The inceptors, in ancient times, selected the regent master under whom they would incept, and who would preside at the disputation of the questions which he proposed (*Stat. Ant.* 89): to every one of the inceptors in succession, therefore, the following questions were proposed:

Sub quo

In quo loco aut ubi

Quo tempore aut quando

} *Inciperet?*

To each of these questions the regent or *father* chosen, was presumed to reply; and when, in later times, the commencements of the inceptors were celebrated at the same time, and under one and the same father whom

they agreed in common to select, the ordinary questions above given were answered by the father simultaneously for all his sons; the same custom, as will be seen in the course of these extracts, was adopted in all the faculties. Similar practices, and with the same forms, were followed in the University of Oxford, (WOOD, *Hist. Univ. Oxon.* p. 23, and BRYAN TWYNE, *Antiq. Acad. Oxon. Assertio*, p. 375.) There is little doubt but that they were both of them derived from the University of Paris.

² St. Mary's Church, and, during the time of its rebuilding from 1478 to 1519, the churches of the Austin

Inceptour shall offre to the Prest, & also shall gyve to the Father a jd. whych the Bedyll shall take upp, and not the Father.

and Grey Friars, was fitted up, during the celebration of these solemnities, with stages, like a theatre, for the chancellor, noblemen, and heads, for the doctors of the different faculties, for the regent and non-regent masters, for the different religious orders, with places for the proctors, father, prævaricator, philosopher, and other actors in the proceedings of the day. This practice continued, with a gradual diminution of splendour and interest, until about the year 1740, when the pageant, or rather the few fragments of it which survived, was transferred to the senate-house. The Sheldonian theatre at Oxford, which was built expressly for these exhibitions, in the latter part of the seventeenth century, saved St. Mary's Church, in that university, from a similar desecration. It was one of the complaints of Archbishop Laud, when proposing to visit archiepiscopally the university of Cambridge, that "St. Mary's Church at every great commencement is made a theatre, and the prævaricator's stage, wherein he acts, and sets forth his profane and scurrilous jests, besides divers other abuses and disorders." It is proper to mention, however, that the great object which the primate had in view was to extirpate those symptoms of Puritanism and nonconformity, which had shown themselves in many colleges, and particularly in Emanuel, which had been expressly designed by its founder, Sir Walter Mildmay, as a nursery of the Puritan party.

The following extracts from the accounts of the proctors, who formerly managed the finances of the university, from 1488 to 1540, which are preserved amongst the university records, BAKER'S MSS. (vol. xxiv.) will show

the expenses incurred in the erection of stages in the university church and elsewhere.

"1493. For bartys & nayls & one corde for the stages at the Fryyr Austyns & workmen there of the same. 8^s.

"1499. Item magistro Morgan pro edificatione theatri in commensationibus pro duobis annis. 5^s. 3^d.

"1501. Item pro Joh. Paytefyn pro labore pro se et aliis removando Pulpitum et scamna sæpius ab ecclesia Fratrum Aug. ad ecclesiam B. Mariæ. 12^d.

"1506. It. Mr. Bedforthe pro Roberto Carpentario componente fabricam commensationis in ecclesiâ minorum et per quinque dies. 4^s. 2^d.

"1512. Pro carriagio et factura stagiorum in domo fratrum, &c. 20^s.

"1516. Pro vectione rerum ad fratres minores propter commensationem. 4^s.

"1518. Item Carpentario Baxter qui suscepit onus erigendi fabricam. 18^s. 7^d.

"1520. Theatrum Imaginis Crucifixi in ecclesiâ B. Mariæ primo magnifice fuit constructum et decoratum: this was taken down in the 4th year of Elizabeth by the orders of Archbishop Parker.

"1524. Item to the Graye Friars for keepinge safelye the frame of our commencement, as long as shall please the university, 10^s. They continued to preserve this framework, when not wanted at St. Mary's, until their dissolution.

"1528. It. fratribus minoribus pro depositione fenestrarum in generali inceptione. 3^s. 4^d."

In 1536, we read of payments made to the *Provynciall* of the *Austin Freres*, to the general of the *Blake Friars*,

When the masse is done, the Father shall stonde on the ryght syde off the Chyrch, as he dyd afore, & hys eldyst Son on hys lefte Hande, the Proctour shall say, Incipiat. Than the Father shall putt on the Cappe uppon hys eldest Sons Hedde. & the Son shall rede a Texte in Phylosophye, & say. Ex isto Textu elicuntur duo Articuli ad presens disputandi¹: & he shall reherse the Questyons that shall be dysputyde. Then shall stonde upp the yongest Regent² that commensyde the yere before, & he shall

(Dominicans) for lead (*in webb* or sheets) bought for the reparation of the schools; proofs of the rapidity with which the convents of the *poor monks*, as Matthew Stokys, who describes these events, pathetically calls them, were destroyed: the grantees of their property were naturally apprehensive that it might be reclaimed in other times, if the hives continued ready to receive their occupants.

¹ These questions had been previously selected and submitted to the chancellor or vicechancellor. Anthony Wood has given, from a curious MSS. in Magdalen College Library, examples of such questions proposed in the university of Oxford, reduced to a poetical form: thus, "Questio secunda ad quam respondebit secundus noster Inceptor Dominus Johannes Littleton.

Utrum futura contingentia

Comparans ad præsentia

Prudentia cardinalis

Præxin regat intellectus

Cui concors est effectus

Appetitus rationalis?"

Again, "Questio quinta ad quam respondebit quintus noster Inceptor Dominus Robertus Gloucestræ, quæ de licentia duorum procuratorum et cum supportatione hujus venerabilis auditorii est diutius pertractanda, est in hac forma.

Utrum potentiarum imperatrix

Celsa morum gubernatrix,

Vis libera rationalis,

Sit laureata dignitate

Electionis consiliatæ

Ut Domina principalis."

² He was called the varier, or prævaricator, and was appointed for this duty at the commencement of the preceding year, having been sworn the last (though one of the first called) on that occasion, and being consequently the junior regent. To the usual oath, in his case was added the following: *Jurabis etiam quod sequenti anno in proximis comitiis per te, vel per alium, VARIABIS, determinabis quæstionem, &c.* He was required to preface his argument with an oration, in which he was authorized by custom, like the tripos at the lesser comitia, to use considerable freedom of language, a privilege which was not unfrequently abused. Severe decrees were issued at different times by the heads of houses, against an abuse from which no man was safe (*Stat. Acad.* p. 494).

The prævaricator was so named from *varying* the question which he proposed, either by a play upon the words or by the transposition of the terms in which it was expressed. A beautiful specimen of such a speech has been preserved, which was made by Dr. James Duport, in 1631: he was a tutor of Trinity College, and afterwards Greek professor, master of Magdalen College, and dean of Peterborough, and is well known for his translation of the Liturgy into Greek, and gene-

ansure to one argument in both maters ; fyrst to the Sone, & after to the Father, iff he may have reason therto, he shall certyfy the Argument off hys Sone. After the Proctour hath sayde, Sufficit, shall stonde up the non Regent & reherse the maters, & the way off the yong Regent : after he shall rede hys Lesson, & ansure to the Sone, to the Father, & the non Regentys, in lyke Forme as is sayde in the Vepers. Whan all have arguyde, the Proctour shall say, Ad Oppositum. The Sonne shall ansure, Est Philosophus. Than the Yongest Doctour off Divynite shall take the Conclusyons, and say thus, Has conclusiones assero et determino fore veras. After the Doctour hath determyde the Questyons, the Proctours shall say, Ponatis manum super Librum,

rally for the elegance and beauty of his translations into Greek and Latin verse. The question which he varies is the following :—

Aurum potest produci per chymicam.

After an introduction, characteristic of such addresses, in which he alludes to the vicechancellor, proctors, the doctors, and the different parties in the act, with a delicate and most agreeable mixture of personal compliment and satire, he proceeds to give the following *variantes questionis*, expressed in rhyming verses.

Quod sumitur pro voce dandâ
Aut pro lege abrogandâ
Aut pro causâ adjuvandâ
Aut pro pœnâ declinandâ

Aurum est sed non probatum.

Quod corrumpit judicem
Et quod ditat pellicem
Quod creat pontificem
Et ducit ad carneficem

Aurum est sed non probatum.

Quod Laicos facit cardinales
Clericosque temporales
Quo honores sunt venales
Licet sunt sacerdotales

Aurum est sed non probatum.

Again Jam ad productionem auri producendus est sermo. Aurum potest produci, sed quædam sunt limitationes.

Ex avari loculis
Aut Prævaricatoris joculis
Aut ex plenis poculis]

Aurum produci non potest.

Ex mendaci sæculo
Ex meo subligaculo
Ex nostra cista communi

Aurum produci non potest.

In cæteris casibus quæstio tenet,
Aurum produci potest.

Ex generosi patris filio
Ex quadrato Patris pileo
Ex oblongo Bedelli bacillo

Aurum produci potest.

Though the speech is of great length, the question is never lost sight of, and is pursued through all its variations with a combination of wit and elegance which is well calculated to give a most favourable impression of the elevated character of these academical exercises : I know of no other production of this most accomplished scholar which will so well repay a perusal.

& gyve hym hys Othe, ut patet in Libro Junioris Procuratoris¹. After that, the Proctour shall say, Ponatis dextram manum in manum magistri, &c. ut in præfato Libro. After thys the Proctour shall say Determinetis Questiones in Aurem Magistri sedendo. And that done he shall goo to the myddys betwene the Regentys

¹ These oaths and forms of creation, slightly modified by the Elizabethan code, are still retained; they are as follows:

Pone manum dextram in manum magistri (*i.e.* of the Father or senior proctor).

Pone manum super librum (the New Testament).

Jurabis de continuatione regiminis tui in quinquennium.

Jurabis etiam quod extra hanc universitatem nusquam præterquam Oxoniis in illâ facultate incipies aut lectiones tuas solenniter resumes nec consenties ut aliquis alibi in Angliâ incipiens hic pro magistro habeatur.

Determinabis questionem in aurem magistri sedendo.

The first part of this oath, concerning the continuation of the necessary regency during five years, was one of the most severe and oppressive regulations of the Elizabethan code; it requires every master of arts, upon his creation, to swear that he will continue to reside in the university for five years, and that he will take his regular and daily course of duty of teaching and presiding (*regendi*) in the public schools. It was systematically violated from the period of its first imposition, (*Stat. Acad.* p. 331,) and continues to be so to the present time.

The second part of this oath was most probably enacted before the middle of the 14th century. Henry III. established a university, or rather a *studium*, at Northampton in 1261, to which many Oxford and Cambridge students resorted, having deserted their own universities in consequence of the

disturbances in those towns between the scholars and inhabitants. At a subsequent siege of that town, the students took part with the barons, who defended it against the king, and the grant, in resentment of their conduct, was revoked. Several subsequent attempts were made to establish a *studium generale*, or third university, at Stamford, where the Carmelite or white friars (including amongst them many eminent teachers) and other religious houses were established in great numbers, and where they would appear to have taught with great success; several colleges and halls were also founded there, particularly one called Brazen-nose College, of which some remains exist to the present day. Scholars continued to resort to Stamford from the old universities and elsewhere, until the year 1333, when Edward III., upon the urgent complaint and application of the University of Oxford, ordered all such students to return under severe penalties, and thus effectually checked the further progress of a third university in this kingdom: and in the following year the University of Oxford, and most probably, likewise, at the same time, the University of Cambridge, with a view to the exclusive enjoyment of their own privileges, and the more complete suppression of this formidable rival, agreed to bind their regents by an oath, neither to teach anywhere themselves as in a university, except in Oxford or Cambridge, nor to acknowledge, as legitimate regents, those who had commenced in any other town in England.

At the conclusion of all these cere-

& non Regentys, & torne his face to hym that shall be create nexte, and ansure hym to hys Questyons, & as he is going, on off the Bedellys shall stonde there & say, Nouter Mater¹, Mater N. pronounsying hys name. Then the Proctour shall say to the seconde Sonne, Incipiatis, whych shall come upon the lefte syde off the Father, and the Proctour shall putt on hys cappe & the Inceptour shall begynne to rede the Texte, & he shall say, Ex isto Textu eliciuntur duo Articuli, an drede hys Questyons, & the Master whych went before hym shall ansure hym to the Questyons, & so everychone to other tyll all have don, & the Proctour to gyve the othe, wyth other, as is wryten before.

Thys done, the Bedyll shall call, Congregatio Regentium tantum immediate in Cancelllo², vel in isto Loco. That is Truthe iff there be noo Commensment in other Facultyes; iff there be,

monies, the Inceptor, *seated (sedendo)* whispered into the ear of the father the final determination of the question which he had proposed and defended during the preceding disputations; this custom is still continued, but the father (or senior proctor) supplies the question on the spur of the moment, and the answer or *determination* is equally prompt; it is generally some trivial inquiry, or hasty congratulation on the conclusion of a ceremony, whose object or meaning is equally unknown or unintelligible to every person concerned in it.

A question has recently been raised whether a Cambridge regent, consistently with this oath, could be admitted *ad eundem gradum* in the University of Durham. The least consideration of the terms of the oath, which was especially framed to prevent the establishment of other universities in this country, would show that it would be violated by such a proceeding; this difficulty has already presented itself in more than one instance.

The following is the form of the oath of creation, which is exacted by the proctors in the University of Oxford.

Jurabis etiam, quod in illa facultate, alibi in Anglia quam hic et Cantabrigiæ, lectiones tuas solenniter, tamquam in universitate, non resumes. Nec in aliqua facultate, sicut in universitate solenniter incipies, nec consenties, ut aliquis, alibi in Anglia incipiens, hic pro Magistro in illâ facultate habeatur.

Item tu jurabis, quod non leges nec audies Stanfordiæ, tamquam universitate studio aut collegio generali.

It would thus appear that no master of arts or superior graduate of Oxford or Cambridge, consistently with the oath of creation, can acknowledge or accept the degrees of the University of Durham, or become a professor in it.

These remarks are made in no unfriendly spirit to the University of Durham, but merely with a view of showing the inexpediency, to use the softest phrase, of retaining oaths involving such extensive obligations which have had their origin in such remote antiquity.

¹ That is, *maître, magister*.

² In the chancel of St. Mary's church.

the Bedyll shall call the Congregatyon, whan the last Acte is done, & not afore.

Nota. In the Mastyme every Bedyll in his Facultye shall gather off everye Inceptour ij^d. & delyver them to the Father, & the Father shall offer for every Sonne a Penye, & the other peny putt in hys Purse.

Nota. That whyls they be att the Acte in Arte the Bedyll shall gether off the Inceptours in Arte Money for Bonnetys for Mr. Vycechauncelar, Mr. Proctours, the Father & the non Regentys that answerys, as the Proctours shall shewe the Bedyll, & so too gather off everye Inceptour after the Rate.

Nota. That on the morowe after the comensment Day the Bedell shall fett every Inceptour in Arte to Scolys to rede hys solemne Lesson, & he shall gyve the Bedyll v^s. iiij^d. & the Bedyll is not bounde to bryng them Home agayn, nor no Doctour of what Faculty soever he be.

Nota. That the Father in Arte in the Vepers shall sytt in the West ende of the Chyrche, and the Proctours on the Sowth syde.

Nota. That the Father in Arte on the Commensment Day shall sytt on the Sowth syde, & hys eldyst Sonne on the lefte Honde, & all other Inceptours on hys ryght Honde, after ther senyoryte; and the Proctours shall sytt on the North Syde.

THE VEPERS IN GRAMAR¹.

The Master of Grammar shall be browght by the Bedyll to

¹ Degrees in grammar were anciently conferred in all universities: they were considered as public licences to teach grammar, not merely within the universities, but likewise in other places,—the universities acting as normal schools for the proper education and authorization of schoolmasters.

By grammar (*grammatica*), in the ancient statutes, was universally meant the Latin grammar and language; the Greek language being very rarely taught before the early part of the sixteenth century, and having been introduced into this university about the year 1516, by

Richard Croke, a fellow of King's College, in whose person the office of public orator was created in 1521 with peculiar privileges, "*quia ille primus invenil literas ad nos Græcas et quia regi charus est.*" (*Stat. Ant. in ordinem non redacta*, p. 112.) Stanley, the thirtieth bishop of Ely, gave the rectory of Shelford to Jesus College to found a fellowship, a grammar-school with a preceptor in *grammatica*, with a considerable salary, (*DR. LAMB'S Collection of Documents*, &c., p. 63,) the school, which was consequently established with its appurtenances, formed that portion of Jesus College

which is to the west of the entrance-gateway. Considering the great progress of classical and general knowledge which was consequent upon the invention of printing, our later legislators deemed it necessary that all students should be acquainted with Latin grammar and able to speak that language before they were admitted as members of the university; and we consequently find that Elizabeth, in the statutes which she gave in the first year of her reign, ordered, *quod nemo grammaticam* (that is, the Latin grammar,) *ullo in collegio doceat, nisi in collegio Jesu tantum et in Collegiis Trinitatis et regio quoad choristas*: but in her subsequent code, it was forbidden to teach grammar in any college whatever, except to the choristers of King's College and Trinity: the grammar-school in Jesus College was in consequence suppressed, and the buildings converted into chambers for the general uses of the college.

The works of Priscian were the classical works on grammar anciently studied in this and other universities, and were distinguished generally as *Priscianus major* (the original work) and *minor*, the latter being little more than an *alphabetum*, embracing the earliest grammatical rudiments: metrical grammars (not unlike the *propria quæ maribus*, &c.) were likewise in very general use, and Buleus speaks of a work of this kind, the *Doctrinale Alexandri de Villa Dei*, a minorite friar, which was introduced into the University of Paris in 1240, and continued in use for nearly three hundred years.

The exercises of *inception* of a master in grammar, which our statutes prescribe (*Stat. Ant.* 117), were three public disputations on grammar, bachelors of arts, or masters of grammar, being the opponents; thirteen lectures on PRISCIAN'S *Book of Constructions*, of which the first should be

solennis: it was required, likewise, that "*ejus notitia, habilitas, et scientia moribus et statura*," (such is the language of the statute,) or that "documentary or other evidence of his abilities, knowledge, morals, and standing," should be produced and approved by three masters of arts appointed for this purpose by the university: and that finally he should be presented by a master of grammar, or, when no such master could be found, by the *master of glomery* (see the next note), to the proctors, who should compel him to swear that he would incept in his faculty within one year after his admission, or otherwise forfeit a marc to the university chest: he was further required to swear that he would read or lecture publicly after his inception, during one year, in Priscianus major, and that during that time he would hold three *convenite*, (general conventions of his faculty, so designated, which took place at the beginning and end of each term,) in each of which he would scan and parse (*declarabit*) a verse of some Latin poet after the manner of Priscian, (in his work *On the Scansion and Construction of the Twelve Principal Verses of Virgil*): he was likewise required, during the year of his regency in grammar, to carry the university *crucifixæ* (ut signum bajulet crucifixi) in all general processions of the university, or to find such a substitute for the office as the proctors should approve.

The following extracts from the Registry of the University will tend to illustrate the provisions of this singular statute:—

"1501. *Conceditur Thomæ Winne quod decem Lectiones Prisciani in minori jam lectæ cum duobus responsionibus, infra annum, post ejus incorporationem, cum tribus CONVENITE et octo Lecturis Prisciano in majori, sufficiant ei ad intrandum in grammatica.*"

"1515. *Conceditur Dmo Ffykes ut*

the Place where the Master of Glomerye¹ dwellyth, at iij of the Clocke, and the Master of Glomerye shall go before, and his

studium unius anni in hac Universitate et duorum annorum in Patriâ (the country) docendo scholam grammaticam, sufficient ei ad incipiendam in grammatica."

Amongst the receipts at the annual audit is mentioned the following :—

"1511. *Item de Mr Austen inceptore in grammaticâ pro bajulatione crucis Universitatis* 12^d."

This was the penalty for not carrying the cross received from Mr. Austin, in his year of inception, according to the statute.

"1537. *Conceditur Magistro Fynch ut studium septem annorum in grammaticâ, prætor exercitium decem annorum in erudiendo pueros, sufficient ei ad incipiendum in grammatica.*

"1539. *Conceditur Ed. Brown, ut studium trium annorum in grammatica cum multa et continua Practica Pueros erudiendi rure, per sex annos, sufficient ei ad incipiendum in eadem facultate, (et quod admissio ejus stet pro completis gradu et formâ,) si ejus eruditio et mores prius approbentur per Magistrum Cheke, Magistrum Glomeriæ et quatuor alios magistros."*

This Master Cheke was afterwards Sir John Cheke, regius professor of Greek and tutor to King Edward VI.; he was the last master of Glomery. A degree in grammar was conferred for the last time in the year 1542.

Antony Wood has given (*Hist. Univ. Oxon.* lib. ii. p. 4) examples of graces for degrees in grammar in the University of Oxford, which are very similar in form to those which we have just quoted. Thus, in the year 1547, Edward Pendleton, bachelor of grammar, and master of the school at Manchester, supplicated the congregation of regents,—*quatenus studium sexdecem annorum in facultate grammatica, cum*

multis exercitiis in eadem facultate, sibi sufficiat ut admittatur ad instituendum pueros in eadem facultate,—and his prayer was granted, on condition of his pronouncing an oration in praise of grammar before the chancellor. The forms, also, of creation in this faculty, with the rod and ferule, in the sister university, were precisely similar to those described in the text, and are evidently such as were derived from a common statute: it was forbidden, likewise, to all masters of grammar to teach *Ovidius de Arte Amandi*, *Pamphilus de Amore*, or any other author of that class.

¹ Who was the master of Glomery? Before I venture to add one to the various answers which have been given to this *vexata questio* of Cambridge antiquaries, it will be convenient to refer in detail to the statutes of the university and other documents relating to this officer.

In the election of proctors, the master of Glomery stood in scrutiny with two junior regent masters to collect the votes, and he was required to pronounce the decision to the congregation. (*Stat. Ant.* 54): a singular clause occurs at the end of this statute, in which it is said, that if the master of glomery be absent, *aut si vertatur in dubium quis sit magister glomeriæ*, then his place is directed to be supplied by one of the late proctors or by a junior non-regent master, who might be present in the congregation, though he was not allowed to vote in such an election.

In the 62nd statute, the Rubric of which is, *Quod nullus sit simul magister glomeriæ et procurator universitatis*, after stating that gross and intolerable dissensions had been perceived to arise on many occasions in various elections in this university, sometimes *propter*

electionem magistri glomeriæ in procuratorem, and sometimes from the interference of non-resident masters in the elections, it is ordered, *quod a modo nullus eligatur in procuratorem hujus universitatis pro tempore quo fuerit magister glomeriæ*.

In the statute relating to Inceptors in grammar (117), the master of glomery, if a master of grammar be not present, is required to present the Inceptor to the proctors: and in the table of fees which accompanies the Elizabethan statutes, though degrees in grammar had ceased to be conferred for nearly thirty years, and though no master of glomery had been appointed to succeed Sir John Cheke, the last holder of the office, amongst other fees to be paid by a master of grammar, there is added, *præter id quod solvat magistro glomeriæ*. (It is proper to mention that this table of fees belongs to a much earlier date, and was transferred from the old to the new statutes without examination or correction.)

From these incidental notices of the master of glomery, we might infer that he was accustomed, in the election of proctors, or in their absence, to discharge those functions which usually devolved upon one or both of these officers (*Stat. Ant.* 4): that he had other duties to perform in elections and on other occasions, which were in some respects incompatible with his tenure of the office of proctor: and that no degrees in grammar were conferred without his previous approbation and approval.

It appears likewise from the passage in the text, that he acted as father at the Vespers and Commencements of masters in grammar, and that the faculty of grammar was placed under his control and superintendence in the same manner as the faculties of theology, law, and medicine, were placed subsequently under the exclusive con-

trol and superintendence of the Regius Professors of Theology, Law and Physic, by the statutes of Elizabeth. (*Cap.* 32.)

The master of glomery was formerly appointed by the archdeacon of Ely, who claimed the general direction and regulation of the schools of grammar in the university, as appears from the following form of a commission of glomery, which is found in the records of the archdeaconry of Ely.

COMMISSIO GLOMERIÆ.

"I. D. Legum Doctor, Archidiaconus Eliensis dilecto in Christo A. D. salutem in auctore salutis. Cum ordinatio, dispositio et collatio Scholarum Grammaticarum et Magistri Glomeriæ ad nos et Archidiaconum pro tempore existentem dignoscitur notoriè pertinere, Tibi, igitur, qui vitæ et morum honestate artisque Grammaticæ experientiâ aliisque virtutum donis fide dignorum testimonio apud nos multiplici commendaris, Tutelam, Regimen Exercitium et Officium magisterii glomeriæ universitatis prædictæ cum suis commodis conferimus, Teque in magistrum glomeriæ prædictæ ordinamus et præficimus per præsentem. Præsentibus ad meum beneplacitum duntaxat duraturis. In cujus rei testimonium," etc.

To this commission is subjoined the form of the oath: "Quod Magister Glomeriæ præstabat Archidiacono Eliensi et ejus ministris in collatione scholarum.

"Tu jurabis obedientiam Archidiacono ecclesiæ Elyensis et ejus ministris nec aliquid contra jurisdictionem Archidiaconalem nec per te nec per alium attentabis, vel juxta posse permittas attentari. Jurabis insuper quod onera Scholis Glomeriæ Cantabrigiæ incumbant juxta consuetudinem hactenus approbatam, pro

“ tempore tuo sine aliqua extorsione
 “ a scholaribus scholarum prædictarum
 “ faciendâ, fideliter sustinebis. Quod
 “ si secus per te vel per alium, nomine
 “ tuo quicquam attentatum fuerit, con-
 “ cedas, te, virtute juramenti jam præ-
 “ stiti, ipso facto ab ipsis scholis esse
 “ privatum, quousque ab eo, cujus
 “ interest, remedium poteris obtinere.
 “ Hæc omnia promittis fideliter te
 “ observaturum, sic Deus te adjuvet et
 “ sancta Dei Evangelia.”

In addition to these documents, we find in Hare's Collections the following instrument of the illustrious Hugh de Balsham, the founder of Peterhouse, and a most zealous and liberal friend and protector of the university.

“ Aliud scriptum Domini Hugonis
 “ Episcopi Eliensis limitans jurisdic-
 “ tionem Archidiaconi Eliensis in suos
 “ suppositos et Magistri Glomeriæ in
 “ glomerillos et aliorum ministrorum
 “ in suos scholares.

“ Universis Christi fidelibus præ-
 “ sentes literas inspecturis Hugo Dei
 “ gratia Episcopus Eliensis salutem in
 “ Domino. In primis volumus et ordi-
 “ namus quod magister glomeriæ, qui
 “ pro tempore fuerit, audiat et decidat
 “ universas causas glomerellorum ex
 “ parte rea existentium, volentes ex hac
 “ parte præfatum magistrum eodem
 “ privilegio gaudere quod habent cæteri
 “ magistri de scholaribus suis, in causis
 “ eorundem decidendis. Ita quod sive
 “ sint scholares sive laici qui glomerel-
 “ los velint convenire, aut aliquod ab eis
 “ petere, per viam judicialis indaginis,
 “ hoc faciant coram magistro glomeriæ
 “ de quo decernimus hujusmodi causæ
 “ cognitionem spectare pleno jure, nisi
 “ hujusmodi causæ sint de pensione
 “ domorum per magistros et Burgenses
 “ taxatarum, vel de facinoris enormis
 “ evidentiâ, ubi requiritur incarcera-
 “ tionis pœna vel ab universitate pri-
 “ vatio. In his enim casibus et non
 “ aliis respondeant glomerelli coram

“ concellario cuilibet querelanti, qui
 “ jurisdictionem suam exerceat, sicut
 “ est alias observatum. Si vero ma-
 “ gister glomeriæ cõgnoscat inter scho-
 “ larem agentem et glomerellum reum
 “ et contigeret appellari ab interlocu-
 “ tatoriâ aut diffinitivâ sententiâ vo-
 “ lumus et ordinamus, quod ad concel-
 “ larium appelletur, qui in ipsâ causâ
 “ appellationis procedat secundum or-
 “ dinem observatum, cum ab alio ma-
 “ gistro et de causâ scholaris cogno-
 “ scente, ab alterutrâ partium appel-
 “ latur. De causis vero glomerellorum
 “ concellarius in nullo se intromittat,
 “ nisi cum sit de pensione domorum
 “ taxatarum vel de enormitate de-
 “ licti, ut superius est expressum.
 “ Et quia in statuto universitatis ejus-
 “ dem vidimus contineri, quod duo
 “ Bedelli universitatis intersint vir-
 “ gam deferentes omnibus vesperiis,
 “ Principiis, conventibus, defunctorum
 “ exequiis et in omnibus aliis convo-
 “ cationibus, nullo alio in præjudi-
 “ cium illorum virgam delaturo; Præci-
 “ pimus quod Bedellus Glomeriæ, in
 “ prædictis convocationibus et locis
 “ coram concellario et magistris virgam
 “ non deferat. In aliis autem locis,
 “ quâncunque et ubicunque voluerit,
 “ et maxime pro expeditione officii
 “ sui, virgam libere deferet, licenter et
 “ quietè. Dat. anno Dⁱ. 1276.”

It appears, from the perusal of these very remarkable documents, that the master of glomery received his appointment and institution from the Archdeacon of Ely, to whose jurisdiction the regulation and collation of the schools of grammar of the university prescriptively belonged; that he was required to swear obedience to the archdeacon and his officials: that it was his duty to preside over and read (to have the *tutela et regimen*) in those schools, receiving from the scholars or *glomerelli* the accustomed *collectæ* or fees: that he was also attended by his

proper bedell, (*now said to be the yeoman bedell*,) and that he exercised over his glomerells the usual jurisdiction of regent masters over their scholars.

If we should assume, as is indeed most probable, that the schools of grammar or of glomery (for such was their name) and their master, had existed before the regular institution of the university, in the reign of Henry III., we shall be prepared to explain the occasion and object of the interference of Hugh de Balsham to prevent collisions between the master of glomery and the *glomerelli*, and the other regents and scholars of the university. The first would continue, or attempt to continue the exercise of the same jurisdiction over his scholars or *glomerells* which he had possessed and exercised before the appearance of a new and a more highly privileged body: the chancellor of the university would enforce not merely those powers which royal charters had conferred upon his court, but likewise all other rights, which, according to the customs of other and more ancient universities, were considered to be incident to his office; whilst the regent masters would avail themselves of the more limited jurisdiction which the following very ancient statute had given them in cases affecting their own scholars. *Magistri Regentes causas scholarium suorum audient et decident universas dum modo hoc postulaverint vel conventi hoc idem in judicio allegaverint, nisi alia pars in universitate ista rexerit vel de pensionibus domorum vel ubi delicti enormitas aut quies communis cancellarii vel magistrorum audientiam requirit specialem vel conventi expresse vel tacite foro magistri sui renunciaverint. (Stat. Ant. 36.)*

It is to this statute that the bishop refers, when he gives to the master of glomery the same jurisdiction and with the same limitations, over the *glomerelli*, which was exercised by re-

gent masters over those who attended the schools in which they read: and his interference was probably rendered necessary by the improper or oppressive exercise of the powers of the regent masters in cases where the students in grammar were concerned with their own scholars.

From the terms in which the bedell of glomery is noticed in this document, we may very fairly conclude that he was an officer attached to the master of glomery, considered apart from the rest of the university, and whose appointment was probably antecedent in date to the institution of the university itself. When, however, the university was regularly established, and the schools of glomery in some respect associated with it and subjected to its jurisdiction, the public exercise of his functions had been superseded by the two bedells of the new foundation, who attended with their maces or staves of office (as in all universities) at all solemn acts, inceptions and assemblies of the university, and at which the bedell of glomery was forbidden to appear. The good bishop, however, in his capacity of visitor of the university, restores him, by this instrument to the free exercise of his ancient rights, on all other occasions and in all other places, more especially in the discharge of the peculiar duties of his office connected with his attendance upon the master of glomery and with the regulation of the proper exercises of the schools to which he belonged.

It does not appear, that, in later times, the master of glomery continued to receive his appointment from, or to swear obedience to, the Archdeacon of Ely. In the year 1317, the privileges of the university were confirmed by Pope John XXII., and it thenceforward claimed and exercised all the privileges which constituted the common rights of all other universities

eldyst son nexte hym, & in hys Scole¹ shall be a Deske ordynyd for hym to sytt in, hys Chyldren to sytt att a Deske before hym, & he that shall ansure, shall {sytt in the Myddys : the Bachelars of Arte² shall sytt on eythyr syde of the Scolys ordeynye there for them, the Bedyll shall say, Incipiatis. When the Father hathe arguyde att hys Plesure the Bachelars of Arte shall repleye, as many as shall be seene to the Father. That done, the Bedyll shall say, Magister, ad Commendationem. In the Tyme of the Commendatyon, the chyldren shall sytt holdyng downe³ ther hedys, the Bedyll shall putt there whodys over there Hedys. The Commendatyon don, the Bedell shall say, Solent queri Questiones &c. as is aforesayde in the Vepers in arte.

of Christendom, which had been sanctioned by papal authority. In 1392, Pope Boniface IX. inhibited the Bishop of Ely from visiting the university : and the claim which was likewise revived by the Bishop of Ely, about that period, to confirm the election of the chancellor, which had not been exercised for many years, was finally decided against him by the result of the celebrated Processus Barnwellensis in 1430, which was confirmed by Pope Martin V. It is probable also that the powers of the Archdeacon of Ely and his officials over the schools of grammar and the master of glomery, declined with the decline of the visitatorial powers of the bishop : but in the absence of all records of the later appointments of the master of glomery, it is difficult, if not impossible, to fix the period when the exercise of these powers altogether ceased.

Dr. Caius, in his work, *De Antiquitate Universitatis Cantabrigiensis*, has noticed the existence of a street in Great St. Mary's Parish, which was called

Glomerye Lane : but even in his time the origin and nature of the office of master of glomery, though it had only ceased to exist for thirty years, was involved in obscurity, and it was doubted whether the street in question derived its designation from the schools of glomery, or the schools from the name of the street.

¹ The school of glomery in Glomery Lane : see the last note. The master of glomery would appear to have acted exclusively as *father* of his faculty ; whilst in the faculty of arts, theology, law, and medicine, any master, or doctor of the proper faculty might, before the statutes of Elizabeth, be chosen *ad ingrediendam seu tenendam cathedram illius artis seu facultatis*.

² The Bachelors of Arts were, by the statute (*Stat. Ant.* 117), the proper opponents of the masters of grammar, and were presumed to possess an equal or corresponding rank in the university.

³ See note 3, page 23.

THE ENTERYNG OF A MASTER IN GRAMER.

The Bedyll shall sett the Masters of Gramer to the Fathers place at vij of the Clocke, or betwene vii or eyght, Than the Father shal be brought to Saynt Mary Chyreh to the Masse begynnyng at viijth of the Clocke: he shall cume behynde, & hys eldyst sonne nexte hym on hys ryght honde, lyke as is sayde afore of the Inceptours in Arte. When masse is done, fyrst shall begynne the acte in Gramer. The Father shall have hys Sete made before the Stage for Physyke, and shall sytt alofte under the Stage for Physyke¹. The Proctour shall say, Incipiat. Whan the Father hath arguyde as shall plesse the Proctour, the Bedyll in Arte shall bring the Master of Gramer to the Vicechauncelar, delyveryng hym a Palmer wyth a Rodde, whych the Vycechauncelar shall gyve to the seyde Master in Gramer, & so create hym Master². Than shall the Bedell purvay for every master in Gramer a shrewde Boy, whom the master in Gramer shall bete openlye in the Scolys, & the master in Gramer shall give the Boye a Grote for hys Labour, & another Grote to hym that provyde the Rode and the Palmer &c. de singulis. And thus endythe the Acte in that Facultye.

Nota, That the Bell Ryngar shall provyde a Rodde & a Palmer for the Masters in Gramer, & he shall have of every master in Gramer for hys Labour iiij^d.

Nota, That the Inceptour in Gramer shall gyve to the Vicechauncelar a Bonett & to the Father, & to eche off the Proctours a Bonett; and iff there be but on Inceptour, he shall do thys; & iff ther be moo then on, then to pay thys emong them.

¹ The stages for the different faculties in the theatre erected in St. Mary's church have been described before. Note 2, page 24.

² This mode of creating masters in grammar, *ferulâ et virgis*, was followed

in the University of Oxford. (Wood's *Hist. Univ. Oxon.* Lib. II. p. 4.) The statutes of the faculty of grammar in that university were the same as those of Cambridge, and were probably derived from some common source.

THE VEPERS IN DYVYNITE.

The Bedell shall sett the Inceptours of Dyvynite to the Fathers Place at viiith of the Clocke, & ther the Father¹ shall assygne them as he wyll have them in Senyoryte: & the Father shall go fyrst, and hys eldest sone next to hym, & so they shall take up the Scolys, fyrst the commyn scolys the Master in Ordynary redyng in every Scole, as the Facultye requyrythe; & after that in everye House of Fryers where any Regent is. In takyng up the Scholes the Doctour shall rede the same tyme, & all other Things to be don as is above apoynted in the Vepers of Art.

After the takyng up of the Scholys, the Father shall cumme to the comyn Scholys, & ther gyve Benedyctyon to hys Chyldren, & after that bryng the Father off Dyvynite, wyth hys Chyldren, to the Fathers Place, iff the Father be vycechauncelar.

Att afternone before on off the Clocke all the Inceptours in Dyvynite shall be brought to the Fathers Place by the Bedellys, & so to the Place where the Commensment shall be kepte, the Father going before, & his eldyst Sone next hym: & when they are cumme to the Place where the comensment shall be kepte, the Father shall purpose the Questyons whych then shall be dysputyde; & the Responsall shall have a Deske ordeynye for hym byfore the Father, & by the Responsall the Commensours shall sytt, the whych Father shall sytt on the Sowthe syde; & when the Father hath arguye, & as many Doctours as shall plesse the Proctours to Licence, then the Proctours shall gyve the Inceptours ther Othe, saying thus, Jurabitis quod nunquam resumetis gradum Bachalaureatus in eadem Facultate. Thys done, the Bedell shall say, Honorande Doctor, ad Comendationem. In Tyme of the Commendatyon the Inceptour shall holde doune hys Hedde, & hys whode put over hys Hedde. After the Commendatyon the Bedell shall say, Honorande Doctor, solent queri Questiones &c. ut supra, and thus endeth the Vepers in Dyvynite.

¹ The father was anciently chosen by the inceptors from the doctors in divinity; by the Elizabethan statutes he was required to be either the vice-chancellor or the regius professor of divinity.

M^d. That in the Vepers in Dyvinite, the Father, wyth all the Doctours in Dyvinite shall sytt on the Sowth Syde, and the Proctours shall sytt on the same syde and other Doctours shall sytt in there owne Places.

M^d. That the Father in Dyvinite in the Vepers shall sende the Questyons to them that shall argue, & in the Day the Doctours shall argue after there senyoryte.

THE COMMENSMENT IN DIVINITIE.

In the mornyng betwene vij & viij of the Clocke, the Bedell shall sett the Commensars in Divinite to the Fathers Place: then the Father shall be browght to the place where the Commensment shall be kepte, wyth hys eldyst Sone nexte going before hym, as is sayde in other Facultes. In the Masse Tyme the Father shall knele in the myddys of the Gresyng before the Hygh Autour coverde (if he wyll) & hys eldyst sone on hys right Honde next to hym barehedde, & hys other Sonnyes on hys lefte Honde; & also shall offerre, as it is sayde in the Acte of Arte. The Masse don, after the Actys in Gramer, Art, Musyke, Physyke, Cyvyll, Canon, shall begyn the Acte in Dyvynitye, & there shall the Bachelar that shall answer have a Stole & a Deske set before the Father in Dyvinite, & the eldest Inceptour shall stonde on the Fathers ryght Honde, & the other of the lefte Honde; & then shall the Proctour say, Domine Doctor, inci-piatis. Then shall the Father say thys that folowyth, Ad Laudem et Honorem Dei, et Sancte matris Ecclesie, et Cristiane Fidei, Fili mi senior, in Retributionem et mercedem Laborum tuorum, juxta Juris exigentiam, utpote Doctoris in Capitulo Clerici Extra¹, De vita et Honestate Clericorum, et in Clemen-

¹ The term *extra* was applied generally to those decretals of the popes which were issued subsequently to the compilation of the celebrated *Decretum* of Gratian, a Benedictine monk of Bologna, in 1149, which was ordered by Pope Eugenius III. to be read in all uni-

versities (like the nearly contemporary *Book of Sentences* of Peter Lombard in theology) as the authorized text-book of the canon law, and which continued to be almost exclusively used for that purpose for more than four centuries. To such decretals was likewise applied the term

tina. 2^a. De Magistris adjuncta Glosa, trado tibi Insignia Doctoralia. Primo Loco Cathedram et Locum Doctorem. 2^o. in Loco Pilium Capiti tuo Ornamentum. 3^o. in Loco trado tibi, Fili mi, Librum Clausum et Apertum. 4^o. in Loco trado tibi Anulum

extravagantes, as being *extra* or *external* to the work in question, though they sometimes retained the name of the pope by whom they were issued : thus the canons or *constitutions* of John XXII. were called *extravagantes*, whilst those of his immediate predecessor Clement V. were called *Clementinæ*. The canon referred to in the text is in the fifth book of the *Clementines*, entitled *De Magistris et ne aliquid exigatur pro licentia docendi* ; and amongst many other provisions it enacts that every doctor, at his solemn commencement, before he receives the *insignia doctoralia*, shall swear that he will not expend *ultra tria millia Turonensium argenteorum* (411. 13s. 4d.) in solennitate circa hujusmodi doctoratum aut magistratum, whether in entertainments or otherwise (Note, p. 20). This canon, which was of universal obligation in those times, was embodied into the statutes of all the universities of Europe (*Stat. Ant.* 127).

The *insignia doctoralia* are enumerated in the text, and the ceremonies connected with conferring them, constitute almost the only remnants of ancient academical customs which have remained unaltered to the present day ; it was held by the canonists that they were indispensably necessary to the validity of a doctor's degree, and we consequently find that they were conferred, with very little variation of form, in every university of Europe (*Lucas de Penna in tres Posteriores Justiniani Codicis Libros*, p. 703, and 704). The following description of their symbolical meaning, which was given by

Bentley, in his speech (*prefixed to his edition of Terence*) upon the creation of seven doctors of divinity, at the commencement in 1725, is equally remarkable for the beauty and elegance of its language, and for its correct appreciation of the spirit of academical antiquity.

“Ac primo vos Pileo donat academia, libertatis quondam symbolo : quo vos, opinor, hunc gradum semel assecutos, post ab omnibus apud se scholasticis exercitiis liberos et immunes constituit. Nec tamen vos deinceps otiosos et desides fore arbitratur. Quippe aut olim qui nudo capite domi ac in urbe versabantur, ad iter tamen accincti Pileo sibi caput aut Petaso aut Galero muniebant : ita vos hoc suo pignore commonitos esse cupit, ut jam Pileo instructi, continuo magis arduum iter ac laboriosum inceptetis. Non jam amplius vobis, in hac umbra scholarum, sed in sole et pulvere, in vera justaque acie sub dio est militandum : jam cum hostibus Ecclesiæ undecunque incursantibus, qua concionibus habendis, qua libris edendis, accerrime configendum. Quin et illud vobis inculcat ; sicut in Nummis veteribus Ulixæ et Mercurii ac Vulcani effigies, pileatæ plerumque vel petasatæ spectantur, ita vos in sermonibus scriptisque vestris et Ulixæ facundiam et Mercurii acumen et Vulcani artificem operam exprimere oportere. (*Hic singulis Pileus imponitur*).

“Sed et altero vos dono beat Mater Academia, potiore cunctis Persarum Arabumne divitiis. Videtis hunc Codicem sacrum, melioris vitæ ducem et magistrum, immortalitatis obsidem, ea-

Desponsationis tue cum Christo, et ejus Ecclesie Defensione, et Christiane Fidei edificatione. 5º. in Loco trado tibi Osculum Pacis. In nomine Patris, et Filii, et Spiritus Sancti. Amen :

lutis sponsorem. Hoc vos libro impertit et primo quidem *Clauso* : quo velut signo vobis indicat, arcana Dei mysteria, cunctosque sapientiæ thesauros hic haberi reconditos : non illotis, quod aiunt, manibus tractandos, non indocto cuivis temere committendos. (*Hic singulis clausus datur liber.*) Vobis vero, quos cum eruditione, tum moribus agnoscit idoneos, etiam *apertum* concedit : unde et vobismet ipsis lucidum veri fontem vivosque latices hauriatis et auditorum vestrorum animos puro ac salubri rore cælestis doctrinæ irrigetis. (*Hic singulis apertus datur liber*).

“Neque vero vel hic clauditur muni-
ficæ matris liberalitas. Nam et *anulo*
vos dignatur et eo quidem *aureo* ; tam
libertatis jam vestræ quam auctoritatis
indicio. Quippe ut olim jus Anuli aurei
senatoribus primum solis, mox autem et
equitibus, postremo (labante publica
disciplina) cuivis Ingenuo Liberove,
nunquam vero servis concessum est ;
ita vos hodie suo Mater hoc pignore,
si minus in senatoriam dignitatem
(hanc solius Regis beneficio suo quisque
tempore nanciscamini) at in Ingenuita-
tem certe Libertatemque asserit. Jam
manum ferulæ subducitis : jam magis-
trorum dictata tuto negligitis : non
diutius vestrum est, stantes discere, sed
ex cathedrâ docere. Quin et aliis no-
minibus hoc suum munusculum ornat
et commendat. Hic vobis Anulus more
veteri *Natalitius* habeatur : hodie enim
doctoris nascimini. Hic dies vobis de-
inceps quasi Natalis numerabitur : tan-
to illi alteri honori auteponendus,
quanto major est Doctores, quam In-
fantis nasci. Porro idem hic anulus
etiam *Pronubus* vobis esto. Quippe hoc
velut arrabone, jam Mater Academia

filiarum suarum natu maximam theo-
logiam in matrimonium vobis collocat :
quam sine dote exiguâ, seu (quod au-
gurator atque opto) luculente dotatam in-
veneritis ; numquam cum illâ facietis di-
vortium ; uxorem eam vobis, matronam
dominam, castè semper et honorificè
habebitis. Quin et ipse ego, more ma-
jorum, cum anulum meum vobis trado,
Heredem hujus Cathedræ meæ de vobis
aliquem, si non dedignamini, libens in-
stituo. (*Hic minimo singulorum digito
anulus imponitur.*)

“Sed quid ego de Me, tanquam olim
de vobis quempiam *Heredem cathedræ*
relicturo ? Ipsa Mater Academia jubet
et instituit, ut jam nunc in ista sede
vos singulos collochem. Videtis, ut
prima specie ablandiatur ? ut sessorem
callide subdoleque invitat mollicula
pluma tumens et opere textili super-
biens. Ea vero, si expertis creditis,
quovis scamno durior est et molestior ;
quovis stadio et curriculo exercitator.
Atque hoc vos symbolo Mater admo-
net ; ne nunc, quasi studiis omnibus
curisque defuncti, *cessatum* aliquo vel
sessitatum abeatis ; sed ut quam pri-
mum in hac sella paulisper consederitis
ad labores novos experiendos alacriores
surgatis ; atque eo quidem omni, ut
tandem aliquando vel hanc ipsam, me
decedente, cathedram occupetis ; vel
quod lautius et optabilius, Decanalem
aliquam aut Episcopalem ; vel si ne hic
quidem consistitis, Archiepiscopalem
denique, jam non Cathedram sed Thro-
num, ascendatis. (*Hic singuli in cathedrâ
collocantur.*)

“Numquid aliud est quod restat, an
jam valere vobis dictura est Academia ?
Immo vero, quo nulla non gratia suos
Filios demereatur, etiam *Osculo* vos
per me excipit ; non Suavio quod volup-

Thys thus done, the Inceptour shall rehers the Questiones, & argue fyrst, the Father next, and as many other Doctours by Senyorite as shall please the Proctour to lymytt and lycence. Whan they have arguyde, the Proctour shall say, Ponatis Dextram manum in manum Doctoris. Whan thei have soo doon, than shall the Proctour say, Dabis Fidem de observando Statuta et Privilegia et consuetudines approbatas istius Universitatis. Than shall there be a Boke holde to the Inceptour, & the Proctour shall say, Determinetis Questionem in Aurem Doctoris sedendo. All thys thus don, the Doctour shall say to the Inceptour, Domine Doctor, ad Professionem. Then the Inceptour shall say, In Dei nomine, Amen. Ego N. N. amplector omnem Sacram Scripturam, Vetus et novum Testamentum, Leges et Prophecias, Evangelia, et Canones Apostolorum, omnia Decreta Sanctorum Patrum, Rhomanorum Pontificum profiteor; et que Sancti Patres laudaverunt assertive, laudo; que tenuerunt publice, teneo; que confirmaverunt, determino; que damnaverunt, respuo; que respuerunt, abnego: in omnibus Clementia Salvatoris Gratiam præstante certando pro Justitia et veritate perseverabo¹. Whan he have thus done, he shall go & stonde lowyst

tatis est, sed Osculo, quod religionis; Osculo caritatis, Osculo sancto, Osculo in Domino Jesu: quale prisco Ecclesiæ ritu, cum super cænam Dominicam, tum die Paschatis festo, tum in ordinationibus sacris, piè olim et pudice dabatur et reddebatur. Hoc vobis osculo bona Mater *impetratæ veniæ* fidem facit, si quid olim in statuta sua juniores et rerum imperiti forte peccavistis. Hoc itidem osculum, *Benevolentia* suæ pignus, hoc et *cognitionis* tesseram vobiscum auferetis: ut, ubicunque terrarum gentiumve fueritis, hanc Matrem vestram semper caram, semper honoratam habeatis: et ab ipsa vicissim quandocunque in rem vestram fuerit, concilium, auxilium jure vestro efflagitetis. (*Hic singuli osculo excipiuntur*).

“Jamque, nisi animi fallor, Viri Acade-

mici, rite facta ac transacta sunt omnia. Vos vero, filii carissimi sollemnibus jam verbis compello: *et auctoritate mihi commissa, creò, saluto, pronuntio vos omnes, professores, doctores in sacrâ Theologiâ.*”

¹ The modern form of profession is as follows:—“In Dei nomine, Amen. “Ego A. B. ex animo amplector universam sacram Scripturam canonicam, Veteri et Novo Testamento comprehensam; omniaque illa quæ vera Ecclesia Christi sancta et Apostolica, verbo Dei subjecta et eodem subornata, respuit, respuo; quæ tenet, teneo; et in his omnibus ad Finem usque vitæ perseverabo, Deo mihi pro summa sua misericordia gratiam præstante, per Jesum Christum Dominum nostrum.”

of the olde Doctours in Dyvinite. Iff there be any moo Commensours in Dyvinite, the next Inceptour shall com & stonde on the Fathers ryght honde, & the Inceptour shall say, Incipiat Domine Doctor. Then shall the Father say, Ad Laudem et Honorem, ut supra. After that the Inceptour shall rehearse hys Questyons, & the Responsall shall putt hys Conclusyons. After that the Proctar shall say, Ponatis dextram manum &c. ut supra; & so off all other Commensours in Dyvinite.

Nota. That the Bachelars in Dyvinite Commensours, on the Commensment Day shall sytt on the fyrst fourme before the olde Bachelars in Dyvinite.

Nota. That if any man do oppose, & enter not that yere, tyll that he hathe enteryde he shall not sytt among the Bachelars of Dyvinite, nether at the Comensment, nor Dysputatyons, nor Sermons ad Clerum, nor at no other acte, but among the non Regentys, & the Opposars.

M^d. Iff ther commense ij Fryers Doctours in on Howse, the on is Regent Claustrall, & shall rede his Lesson in hys owne Scholys, & the other shall rede in the commyn Scolys; and lyke wyse wyth the Dysputatyons¹.

¹ In the year 1359, a statute was framed, (*Stat. Ant.* 163,) to prevent more than two friars of the same convent (of Mendicants) from incepting in the same year; and it was further enacted, in a subsequent statute, (*Stat. Ant.* 164,) that two regents, whether doctors or bachelors of divinity, of the same convent (*de eodem claustro*) of mendicants, should not concur in their ordinary readings, whether of the Bible or the Book of Sentences (of Peter Lombard), but that one of them must read in his own convent, and the other in the common schools of the university. The privileges of the mendicant orders who crowded the university, appear to have been very carefully guarded against, and the statutes in question would seem to have been framed with a view of compelling them, if admitted to the regency in the university, to take part in the public duties incumbent upon other regents, and not to confine their labours within the walls of their own monasteries. It had been found, likewise, that monks and friars, under pretence of obedience to their rule, and of the want of proper licence from their superiors, were accustomed under refined pretences (*exquisitis coloribus*), to vitiate or evade the force and effective import of the oaths which they had taken to the university, upon admission to their degrees (*Stat. Ant.* 128); and it was consequently decreed that no member of a religious order should be admitted to incept or resume his regency in any faculty, unless he first produced letters dimissory from his superior, authorizing him to make

Nota. If ther commense any Doctours in any Faculte, that the morow after the commensment Day he shall be brought to the scholys wyth the Bedellys to rede his solemne Lesson & shall gyve the Bedellys for their vysytation xiijs. iiij^d. & for a Kalendar iij^s. iiij^d. & for gloves att the lest vi^d. & the Bedellys be not bownde to bryng hym home agayn.

DE DISPUTATIONE IN THEOLOGIA.

M^d. That a Dysputatyon in Dyvynite the Doctour or the Responsall shall gyve the Bedellys warnyng to proclayme itt byfore: & in the mornyng, whan the Dysputatyon shall be att viijth of the clock, the Bell Rynger shall ryng to the Doctours Ordynarye, & so the Bedellys shall sett the Doctor from hys place to the commyn Scolys to rede hys Ordynarye¹ (iff he be no

and effectually observe, the due and accustomed oaths which were exacted on all such occasions.

It was this incompatibility between obedience to the statutes, and to the orders of their superiors, which made all universities reluctant to admit the mendicant orders to a full participation of their privileges. The Dominicans or Jacobins, in the thirteenth century (1243 to 1257), claimed to be admitted to a participation of scholastic acts and privileges in the university of Paris, and were strenuously supported by Pope Alexander IV. (BULÆUS, *Hist. Univ. Paris*, tom. iii. p. 358.) They succeeded, after a long resistance and many years of violent agitation, in gaining the object of their wishes, though they were degraded to the lowest places, and were carefully excluded from all share in the government of the university; this contest, however, led to important consequences in the general constitution of universities, and particularly of that of Paris, as furnishing the origin and cause of the separation of the faculty of theology, and subsequently of those of law and medicine, from the faculty of arts.

It was provided by the statutes of this university that the senior *religiosus doctor* (a monk or friar) should stand in scrutiny in the election of the chancellor, and some other officers, (*Stat. Ant.* 4,) and should form a member of the *caput senatus* (Grace 17th Nov. 1547, *Stat. Acad.* p. 129); his place, upon the suppression of the monasteries, was directed to be supplied by the public orator of the university.

Friars, upon admission to a bachelor's or doctor's degree in theology (they were forbidden by the rules of their order to graduate in other faculties), paid large fees to the university chest (5*l.* 6*s.* 8*d.*) though much less than those which were paid by the monks: it is also noted by Mr. Stokes, "That a Religious man of the fower "orders of Friars, if he commence "Doctor, he shall on the Commence- "ment Daye gyve for every Bedell for "Lyveryes, a Purse, a Gyrdle, & a payr "of knyves." A similar custom prevailed in the University of Oxford.

¹ A distinction is made in the statutes of all universities between those who read *ordinariè et cursoriè*, though it is not very easy to discover in what the

Fryer Doctour) and there shall wayte on hym all the Opposers, hys Responsall going next hym barehede (but iff hys Doctour dyspense wythe hym for hytt) & all other opposars on a row after there senyoryte cappede, & do stonde in the Scholys after ther Senyoryte barheddyd all the tyme of the Acte in the hendermost

precise difference consisted: it is probable, however, that whilst *cursory lectures* were confined to the reading of the simple text of the author, with the customary glosses upon it, the *ordinary* lectures included such additional comments on the text, as the knowledge and researches of the reader enabled him to supply. The *ordinary* lectures would thus appear to have required higher qualifications than the *cursory* lectures,—a view of their character which is confirmed by a statute of the University of Paris, ordering, that “Nullus Magister qui leget **ORDINARIE** lectiones suas debet finire **CURSORIE**.”

Before the invention of printing, the great body of students had no access to books, except through the readings of the masters. In some cases the regents were accustomed *legere ad pennam*, that is, with sufficient slowness to enable the scholars to copy what they heard: this practice, however, in the university of Paris, was afterwards forbidden, and the students were required to trust to their memory and to such notes as they could make, for their knowledge of the contents of the author which was read and expounded to them.

Bishop Lowth, in one of his Crewian orations, has described the condition and occupations of students in those days, in terms which are equally elegant and just:—“Non erat, uti bene
“nostis, adeo communis et pervulgata
“scientiarum interior et perfectior cognitio, neque ubivis occurrebat qui artium elementa paulo subtilius et copiosius explicare possit; accedebat bonorum librorum magna paucitas;

“cogebantur igitur foris quærere quod
“non habebant domi. Itaque boni
“adolescentes turmatim itabant ad
“scholas: Publicum Professore[m] quasi
“oraculum quoddam audiebant, ‘in-
“tentique ora tenebant:’ elapsa prope-
“modum hora, ad alium et deinde
“alium sursum deorsum protinus cursi-
“tandum erat, hunc è Dialecticæ spi-
“netis sese explicantem, illum fortasse
“Rhetoricæ flosculos legentem: tan-
“dem aliquando domum se conferebant
“plenos reportantes codicillos, unde,
“nescio quomodo, magno certe cum
“labore ex magna rerum farragine,
“pauillum tamen quiddam extrica-
“bant, quod esset ex usu.”

If we keep these circumstances in mind, we shall feel no surprise at the crowds of students who attended the lectures of Peter Lombard, Abelard, Albertus Magnus, Thomas Aquinas, and other great doctors of former ages. Such students, likewise, generally belonged to the humbler classes of life, were frequently obliged to beg their daily sustenance, and were subject to every species of poverty and privation. In the university of Paris, the street in which the principal schools were situated, was called the *Rue de fougasse*, *Vicus stramineus* or *Straw-street*, from the straw spread upon the floor, upon which the students reclined during the continuance of the lecture: benches and seats being forbidden by an express statute of Pope Urban V. in 1366.
“In facultate artium, quod dieti scho-
“lares audientes suas lectiones in dicta
“facultate, SEDEANT IN TERRA coram
“Magistro et non in scamnis aut sedi-
“bus elevatis a terra.”

Stallys of all, & whan the Doctours enteryth the Scolys, the Bedellys shall say, *Noter Segnior Doctour, bona nova, bona nova*: whan the Doctour is in the Chayer, the Bedyll (iff he hathe any thyng to be proclaymyde) shall proclayme itt than. Whan the Ordynarye is don, the Doctour wyth the Opposars stondyng before the Chayre shall say the Prayers hangyng byfore the Stall, & there, or att the Schole dore the Doctour shall turne hym to hys Responsall & rehers his Questyons, & the Responsall shall put hys Conclusyons. After that the Doctour shall go home to hys place, the Bedellys going before hym, & his Responsall next him barehede, & all other Opposars folowing after there Senyoryte. At on of the Clocke att after none the Bell Ryngar shall ryng to the Dysputatyon (out of Lent) & in Lent at ix. of Clocke in the mornyng the Bedyll shall sett the Doctour to the Scholys, hys Responsall & the Opposers going as is before sayde. Whan the Doctour enterythe the Scholys, the Bedellys shall say, *Nouter Segnour Doctour, bona nova, bona nova*: & whan the Doctour is enteryde the chayer, the Responsall shall enter hys stall (& if the Bedellys have money, than to gyve hym thankys in French, ut patet supra in primo folio) & to make Cursy to hym, & after turne them to the Responsall, & make Cursey to hym, sayng, *Gratias ago vobis*.

In the tyme of the Dysputatyon all the Doctours shall be in the Closett & all Bachelars that cumme in there habytts shall be in the other Part off the Scholys, & all other Bachelars of Dyvynite that cumme wyth there habytts shall be beneth in the outermost stallys on both sydys; & all other Masters of Arte to be orderde in the Stallys as they cumme. Whan the Dysputatyon is don, the Doctour shall not say the Prayers, but be brought home wythe the Bedellys, & the Opposers, & there he shall gyve them Drynke: & the Responsall shall gyve hym xx^d. towarde the Costys of thys Drynkyng.

Nota. That iff ther be ij Doctours Regentys in on Place of Fryers, the on is Regent Claustrall, & shall rede his solemne Lesson & dyspute in hys owne Scoles; the other is not, & shall redde hys solemne Lesson & dyspute in the commyn Scholys.

M^d. That every Acte of a Doctour pro Forma¹, as Disputayon, Sermons ad Clerum, & Sermons pro forma, that the

¹ Exercises *pro forma* were those which were absolutely required by the statutes of the university, and which could not be dispensed with, without the previous consent of the chancellor or vicechancellor and two doctors standing *in capite*. (See the statute framed by Archbishop Rotheram, with the consent of the regents and non regents in 1480. *Stat. Ant.* 21.) In later times, however, both time and exercises formed the subjects of dispensation upon the payment of a regulated scale of fees (*Stat. Ant. in ordinem non redacta*, p. 108), a practice which was liable to great abuse and irregularity, and which led to some of the most severe and embarrassing enactments of the Elizabethan code.

A master of arts was admitted *ad opponendum in theologia*, or to the degree of B.D., or according to the more usual form, *ad legendum quatuor libros sententiarum*, at the end of five years; but if he had not proceeded in arts (as was usually the case with monks and friars as with the *ten year men* who afterwards succeeded to their privileges and position) two years more were required (*Stat. Ant.* 107). The reading of the Book of Sentences of Peter Lombard, (which was a *summa theologiæ*, written in the middle of the twelfth century, and comprehending a complete body of the authorized opinions of the Church of Rome, as sanctioned by the Fathers, general councils, and Popes,) succeeded to the admission to the degree of bachelor in divinity. He was further required to hear the Bible read *biblice* (i. e. chapter by chapter, with the accustomed glosses, and such explanations as the reader could add), during two years: during one year he was required to read *cursorie* (at the

least during ten days of each term), on some one book of the canon of Scripture; to preach a probationary sermon in St. Mary's Church; to oppose in all the schools of his faculty; to respond once publicly after he had finished the reading of the *Book of Sentences*; and then at the end of not less than four years, and after the statutable *deposition* of the doctors and and masters of his faculty, he was admitted *ad incipiendum in theologia*, and to the performance of those ceremonies which are so particularly described in the text.

The reading of the Book of Sentences and degrees in the canon law were abolished in 1536, after Henry VIII. had renounced the pope's supremacy: and in 1543, a grace was passed, revoking the statutes respecting those exercises and readings of bachelors of divinity which were contrary to the royal injunctions.

The Elizabethan code, which almost universally added to the severity of the ancient statutes, made the necessary interval between the degree of M.A. and B.D., seven years instead of five, and that between the degree of B.D. and D.D., five years instead of four. One of the statutes of Edward VI. (*Stat. Acad.* p. 162,) allowed persons who came to the university at the age of twenty-four years, for the sole purpose of studying theology, the privilege (which the monks and friars had enjoyed before) of proceeding to the degree of B.D. after seven years' *continued* residence, the four last of which were devoted to the same course of studies and exercises which were enjoined to masters of arts; and the Elizabethan code made no other change in this statute beyond the substitution of ten years' *continued* residence for

Opposars shall cumme to the Doctours Place at the Tyme that he shall doo thys Acte, in there Habyts, & go wyth hym to the Place where he shall do thys Acte, & there to abyde tyll all be don, & bryng hym Home agayn; wythowt it be att the Sermon on the Generall Processyon Day, & the Sermon on Ashwedons-day, than nether the Opposars nor Bedellys shall bryng hym Home agayn.

Nota. That in a Tyme of Dysputatyon of Dyvynyte, the Monkys shall have the iiijth Stall for them on the Sowth syde, & the whyte Chanons the iiijth on the Northe syde: & in the Tyme of Sermons ad Clerum in Saynet Mary Chyrch the Whyte Chanons the iiijth Stall on the Sowth syde, & the monkys the iiijth Sete on the North syde: & the monkys shall gyve to the Bedellys for there Labours there Dyners the fyrst Sondag in Advent, & there Dyners in Quinquagesima, & every monke in Pensyon, not graduat, besyde thys, shall gyve the Bedellys xx^d. in Quinquagesima equallye to be dyvydede: and the Chanons shall on Saynt Gylbert Day gyve to the Bedellys vij^s. the Bedyll in Dyvynyte to have iij^s. iiij^d. the Bedyll in Arte iij^s. and the other Bedyll xx^d.¹

seven. There seems to be no statutable authority for the present practice of limiting the residence of such persons to *three* terms in the two last of the ten years or some subsequent period.

¹ In another part of Mr. Stokes's MSS., there is account of "*Certayne Dyners for the Bedells*:" some of these are enumerated in the text; others were given to them in different colleges, on the days of commemoration of their founders or on the festivals of the saints, to which they were especially dedicated. Thus a dinner was given:—"In Exequiis Domⁱ. Harvey de Stanton 6 Nov. in Œdibus Sancti Michaelis, nunc Collegio Sanctæ et Individuæ Trinitatis. In Festo Sancti Nicolai, cum Hyeme quam Œstate, in Collegio Regio. In Festo Sancti Johannis Apostoli ad Aulam Clere. In Festo Innocentium, ad Aulam Re-

"giam, nunc Collegium Sanctæ Trinitatis. In Festo—Thome 30 Dec. ad domum Michaelis, &c. In Festo circumcisionis in Aula Pembrok. Die Dominice precedente circumcisionem, in Collegio Corporis Christi, modo ille dies non incidit in aliquod convivium prædictorum collegiorum, secus in Diem Dominicum sequentem. In Exequiis Ed. 5^{ti}, 5 Maii in Aula Regia. In Exequiis Domine Margarete ultimo Junii in Collegio Christi. In annunciatione Beate Mariæ in Collegio Gonville et Caii. In Exequiis D. de Balsom 15 Junii, in Domo Divi Petri. In Exequiis Domine Mariæ 11 Junii, in Aula Pembrok. Item quatuor Jentacula in 4^{or}. primis Sabathis Quadragesimæ.

"It is worthy of remark," says Cole, after copying this list, "that Mr. Stokes, being a Catholic in his

Nota. Iff ther be ij Dysputatyons, or ij Determinatyons, or a Dysputatyon & a Determinatyon folowing immedyatlye together, the fyrst shall be proclaymed by Places; and the secunde att Dysputatyon or Determynatyon shall be proclaymyde & not by Places.

Nota. That iff a Doctour do determine hys Questyons, itt shall be proclaymyde by the Bedellys byfore, & he shall rede hys Ordynarye & determine att viijth of Clocke, the Bell rong to hytt before, & he shall gyve to the Bedellys ether there Dyners or els xii^d.

Nota. Iff a Doctour do dyspute in Lent, he shall gyve to the Bedellys, besyde the Vysytatyon money of the Bachelar, ether the Dyners, or xij^d. in money.

THE VEPERS IN CANON¹ AND CIVELL.

The Bedell shall sett the Inceptour att on off the Clocke to the Fathers Place, & so to Scolys: & the Inceptour in Cyvill at ix off the Clocke to the Fathers Place, & so to the Scolys: & whan they

Heart, left room to add *Saint* to the name of Thomas Becket, on the 30th Dec. in case the Times should turn again to that Quarter, though he dared not do it in a Reign that had expunged him from the Calendar. There were no feasts for the Bedells in Queen's College, St. Catherine's Hall, Jesus College, Magdalen or St. John's Colleges."

¹ Degrees in canon law were forbidden by the royal injunctions in 1536, upon the ground that the study of the decretals of the popes and the recognition of their authority, was contrary to the exercise and acknowledgment of the king's supremacy in matters ecclesiastical as well as civil.

The number of students of the canon law, so closely allied with the practical administration of the affairs of the church, and superseding or controlling the civil or the common law in all cases where their principles or their

precepts came into collision with each other, was generally greater than in any other faculty. The following lists of the number of graduates in different faculties for different years in the half century preceding the suppression of the faculty of canon law, may not be without interest as offering some indication of the distribution of studies in the university, and of the numbers of students in those times.

In the year 1488, the University Register records—

32 Determinatores in quadragesima (A.B.)

16 Inceptores seu professores artium (A.M.)

12 Intrantes in jure canonico (Bacc. Juris Can.)

8 Intrantes in jure civili (B.C.L.)

3 Commensantes in Theologia (D.D.)

In the year 1499—

30 Determinantes.

14 Magistri artium.

ar come to the Scolys, fyrst wyth Lycence of Mr. Proctour, the Father shall argue to the Responsall, syttyng in the myddes of the Stallys sett before the chayre, & the Inceptours on both the sydys of hym (iff ther be moo than on) whan the Father in ether of the sayde Faculteys have arguyde, & as many Doctours as shall please Mr. Proctours to lymytt, than the Proctour shall say to the yongest Doctour in Cyvill, iff the Scolys be kepte in Canon, Domine Doctor, queratis Rationem Diversitatis. And iff the Scolys be in Cyvyll, the yongest Doctour in Canon shall aske Rationem Diversitatis. After that the Proctour shall gyve the Inceptour hys Othe, saing thus, Jurabitis quod nunquam resumetis Gradum Bachalauretus in eadem Facultate. Thys don, the Bedyll shall say, Honorande Doctor, ad Commendatyonem.

22 Baccalaurei juris canonici.

10 Intrantes ad lecturam sententiarum (B.D.), including 1 canon regular, 2 black, and 1 gray friar.

3 D.D.

1 D.C.L.

In the year 1533—

41 Determinatores.

29 M.A.

4 Bachelors in canon law.

8 Bachelors in civil law.

14 Bachelors of Divinity (Sententiarum) including 5 Franciscans, 1 Dominican, and 1 monk.

1 Dr. in civil law.

1 Dr. in canon law.

3 D.D., including 1 monk and 1 Carmelite friar.

In the year 1535, we find 6 D.D., including 1 monk, 9 B.D., including 1 friar, 10 bachelors of canon, and 7 of civil law.

In the year 1536, which was that of Cromwell's visitation, when all the *instrumenta papistica* were carried to the king, the study of the canon law suppressed and the greater monasteries abolished, we find 2 doctors of divinity, 12 bachelors of divinity, of whom 6 were monks and friars, but no degrees in canon law.

For two or three years subsequent to this period, we find a few monks and friars admitted to degrees of B.D. or D.D., after which they totally disappeared. In the reign of Queen Mary, however, we find three persons admitted to degrees in canon law.

There is little doubt but that the decisive and violent proceedings of King Henry VIII. disturbed greatly both the constitution and administration of the university, and the number of students, both in arts and other faculties, continued to decline, until the accession of Elizabeth. The suppression of the study of the canon law, which had always been combined and associated in a greater or less degree with that of the civil law, diminished the number of civilians as well as of canonists in this country, and before the end of the reign of Henry VIII. a sufficient number of them could not be found for the public service, more particularly in foreign embassies and negotiations. It arose from a strong feeling of this deficiency that the Protector Somerset proposed to combine Clare Hall with Trinity Hall and the Hostel of St. Nicholas in one great college for the study of the civil law, but the accomplish-

In Tyme of Commendatyon the Inceptour shall holde downe hys Hedde, as is sayde before of a Master in Grammer. After the Commendatyon, the Bedyll shall say, Solent queri Questiones &c. ut supra.

M^d. That every Doctour (of what Facultye so ever he be) shall gyve in the vepers iij Payre of Gloves, or vj^d. in money att the lest to the Bedellys.

THE COMMENSMENT IN CANON & CIVYLL.

The Bedell shall sett the Commenser in Canon or in Civill to the Fathers Place between vij & viij of the Clocke; than the Father shall cumme to saynte Marye Chyrche wyth hys eldyst son nexte going before hym, as is sayde in other Facultyes before. The Father in Canon shall Knele before the Auter, and hys eldyst Son on the ryght Honde next the Commensers in Divinyte. The Father in Civill nexte wyth hys Chyldren, lyke as is sayde byfore in other Facultyes, & also offer, as is showyde in Acte of Arte. The masse don, after the Actes in Grammer, Arte, Musyke, and Physyke be fynnyshyde, than shall begyn the Acte in Cyvill, iff there be any Commensers in Civill; iff none, then shall begynne the Acte in Canon. The Proctour shall say, Domine Doctor, incipiat. Than shall the Bachelar that shall ansure have a Stole & a Deske sett before the Father in Canon and Civill, & he shall ansure the Father, the Commensure, & as

ment of this project was defeated by the death of the young king. In the statutes of Edward VI., there are allusions to this intended new college for the study of the civil law: thus in the chapter whose rubric is *Jurisconsultorum disputationes*, it is said, *Quatuor disputatores ad minimum exhibebit collegium novum juri civili dicatum. Statuta Acad. p. 152.*

The study of the civil law has continued to decline in this university; very few civilians, except in times of

war, are required in the practice of our civil and ecclesiastical courts; and the practice of studying civil law without reference to professional views, and too often with a view of escaping the more severe studies which are required for the degree of bachelor of arts, has not tended to augment the estimation in which the faculty is held, notwithstanding the very laudable efforts which have been made by the present professor of civil law to maintain its credit and character.

manye Doctours besyde as shall plesse Mr. Proctour to licence to argue. Whan they have all arguyde, the Proctour shall gyve the Comenser his Othe: than shall the Father create hym Doctour: & so endeth the Commensment in Civill & Canon.

Nota. That in the Tyme of the Acte in Civill or Canon, the Bedell shall locate the Bachelars in Civill or Canon where as the Mr. Regentys sytt in the Tyme of the Acte of there Facultye.

M^d. That in Tyme off the Actys of Civill, Canon or off Divynitye the Bedell shall gether of every Doctour Comensar for every Doctour ther being present a Grote for hys Pylyon, & iff ther be moo Commensars Doctours than on, he shall gather of the yongar Commensar a Grote for the elder Comensar¹.

¹ There is no mention in Mr. Stokes's book of the proceedings in the faculty of medicine, which it was probably considered unnecessary to notice in consequence of their general resemblance to those in law. It was a faculty little cultivated in those days, except in those universities such as Salernum, Montpelier, Padua, &c., which were more especially devoted to medical studies; and in the records of our degrees, at the close of the 15th, and beginning of the 16th, century, we rarely find more than one medical graduate in the course of a year. Students in medicine were obliged generally to proceed through degrees in arts, and in the year 1534, we find, at the head of the *determiners* in arts, the name of *Kees* (Caius, the third founder of Caius College) who afterwards proceeded to Padua to prosecute his medical studies, where he resided for many years.

The ancient statute (*Stat. Ant.* 119) prescribing the course of medical studies and exercises in this university, presents a very singular picture of the state of medical knowledge in those days. It made it generally necessary for a student to have graduated and read in arts, and to have subsequently, during a period of five years, heard *once*,

in the schools of his faculty, the book of Johannicius Philaretus *de pulsibus*, Theophilus *de urinis*, the Antidotarium of Nicholaus, with some one of the books of Isaac (Israelita), whether *de urinis*, *de febribus*, *de dietis particularibus*, or *de viatico*; he was required also to have heard *twice* the works of Galen, with their glosses or comments (known only by their Latin translations from the Arabic as the works of Tegnus Galienus), including his book of *prognostics*, of *aphorisms*, and *de regimine acutorum*: it was further required that he should himself read *cursorie*, within not less than three years of his *readings* in arts (*Stat. Ant.* 90), at least one book on the theory, and another on the practice, of medicine; that he should have both opposed and responded in the schools of his faculty, and should have practised at least during one year: he was then admitted to his degree, after the usual deposition and forms. It is added, as an additional provision to the same statute, that no one shall be admitted, *ad incipiendam in medicina*, unless he had practised medicine at least during two years, a condition apparently inconsistent with that which is contained in the body of the statute, though it is very possible that one

might refer to the degree of bachelor, and the other to that of doctor, in medicine. If a person had not exercised the functions of a regent in arts, he was required to have attended the schools of arts and philosophy at least during seven years, and afterwards during five years, in the schools of medicine.

The books which formed the subjects of medical study were chiefly translations from the Arabic compilations from Galen and Hippocrates (for their works were confounded together) composed by Arabic physicians (such as the ten books of practical, and ten books of theoretical medicine of Isaac Israelita) which had been introduced into the university of Salerno towards the end of the 11th century, chiefly by Constantine the African. Theophilus was a Greek physician in the reign of the Emperor Heraclius, by whom likewise the treatise ascribed to Philaretus was written; and the work of Nicholas was a production of the school of Salerno towards the close of the 12th century, which long enjoyed a distinguished reputation.

The provisions, both with respect to time, form, and subjects of medical study, which are contained in this statute, are almost precisely the same as those of the statute of the medical faculty at Paris, made in 1272, (BULEVS, *Hist. Univ. Paris.*, tom. iii. p. 403,) with the exception of the works of Galen, which are not mentioned in it, and the introduction of the poem of Ægidius Corboliensis (*de virtutibus et laudibus compositorum medicaminum*, in 4562 hexameter verses) which may be considered as a commentary on the Antidotarium of Nicholas.

Mr. Stokes has inserted, without any other introduction or notice, the follow-

ing *Jusjurandum medicorum*, which is nearly a translation of the celebrated medical oath of Hippocrates.

Jusjurandum medicorum.

Apollinem medicum et Æsculapium Deosque omnes testes facio, me hoc jusjurandum et hanc contestationem conscriptam pro viribus et judicio servaturum esse. Quod ad ægros attinet sanandos dietam ipsis constituam pro facultate et judicio meo commodam omnemque . . . : et injuriam ab eis prohibebo, nec ullius preces apud me adeo validæ fuerint ut cuiquam venenum sum propinaturus, neque eis ad hanc rem concilium dabo; neque mulieri aliquid ad corrumpendum Fœtum dabo. In quascunque domos ingrediar ob utilitatem ægrotantium intrabo, ab omni injuria voluntaria inferenda et corruptione cum aliâ tam præsertim operum venereorum abstinerebo, ipsarumque corpora mihi contigerent curanda. Quæcunque inter curam videro vel audiero, ea siquidem efferre non contulerit, tacebo et tanquam arcana apud me continebo. Præterea et sanctam vitam et artem meam conservabo. Hoc jusjurandum mihi integre servanti et non confundenti, contingat et vita et arte feliciter frui et apud omnes homines in perpetuum gloriam meam celebrari; transgredienti autem et pejeranti his contraria eveniant.

One or two words in Mr. Stokes's MSS. are either wanting, or so obscurely written, as not to admit of being deciphered. It will be observed that the clause of the original oath of Hippocrates which forbids the physician to cut for the stone in the bladder, but to leave the operation to those whose peculiar business it was, is omitted in this translation.

APPENDIX B.

MS. Addit. 5843. (Cole, vol. xlii. p. 201.)

Extracts from Mr. Buck's Book.

"The following Extracts were taken by Dr. Gordon, Archdeacon of Lincoln,
"and entered into a 4to. MS., which was lent to me by Mr. Tyson in June,
"1770." WM. COLE.

"Index and Extracts from a Book with a parchment
"cover, lent to me by the Master of Peter House, and said
"to be a copy of Buck's Book, with this Title inscribed in
"page 87."

Collections of some material Things which doe concern both the Corporations, viz.; The University & Town of Cambridge, but especially the University; as for the conferring of Degrees in the Senate, Disputations, Determinations, Cautions, &c. in the Commencement House, with the ceremonies therein used, & likewise of divers Graces granted by the Senate, whereof some are in Loco Statutorum, & the rest may be usefull Precedents for the future. Here are also other memorable Passages of several concerns.

By JOHN BUCK, Esquire, Beadle, Anno Domini 1665, Ætatis suæ 68.

Extracts from Mr. Buck's Book, relating to the Ceremonials of the University of Cambridge, &c.

Upon Michaelmass day the Vice Chancellor, with some of the Heads & Doctors, & both the Proctors, do immediately after the Forenoon Sermon in St. Mary's (upon Notice given by some of the Bailiffs, that the Maior is in readiness) goe from thence to the Toll Booth in their Scarlet Gowns, there to give the Maior his oath. The V. C. & his assistants do sit upon the right Hand

of the Maior, the Proctors being placed upon a Forme right over against the V. C. & Maior: The Town Clerk holding the Bible, the Senior Proctor readeth the Oath to the Maior.

Then the Proctor giveth the same Oath to 4 Bayliffes, only changing you &c. for yee. The Senior Proctor is to receive of the Bayliffs or Treasurer 3s. 4d. for the Search of Leather & Sackcloth.

Oct. 9. The King's Professor in Divinity doth preach a Sermon ad Clerum in St. Mary's at 9 of the Clock in the Morning, who is brought from his Colledge in his Cope by a Beadle. The V. C. then & all the other Drs. put on their Copes in the Vestry.

Oct. 10. There is a Congregation ex Statuto at 9 in the Morning. The first Thing there done is, The Proctors do give over their office, (after a little stay made in their old seats) making a sort of Diary for the Business of the several most remarkable Days in the year appointed by Statute &c. by delivering their Books & Keys to the V. C. & then they do take their Leaves of the Regent House, if they be Non Regents, or else they take their Places among the Regents. The Scrutators also doe in like manner, about the same Time, give over their office, by delivery of their Keys to the V. Ch:

Then one of the Beadles saith "Magistri Regentes & Non-Regentes." When al the Regents & Non-Regents are come up into the Regent House, the V. C. goeth to his Chair, & there sitteth, whilst a Beadle readeth the Statutes, "De Electione Procuratorum," & "De Electione Scrutatorum." But before he readeth the Statute, "De Electione Scrutatorum," he saith, "Nominati & præsentati ad officium Procuratorum in Annum sequentem" { Mr. A. B.
Mr. C. D."

Then the V. C. goeth to his Seat at the Table, & giveth the Oath to 2 of the Senior Regents present, "Jurabitis quod bene et fideliter accipietis Suffragia Suffragantium in Electione Procuratorum. Sic vos Deus adjuvet &c." Then this Oath to 2 of the Senior Non-Regents present at the Congregation, "Jurabitis

quod bene et fideliter accipietis Suffragia Non-Regentium in Electione Scrutatorum. Sic vos &c.

Then these 2 Non-Regents go down into the Lower House, & the Senior of them reads out of a Paper, "Nominati ad Officium Scrutatorum pro anno futuro { Mr. A. B.
Mr. C. D."

Then 2 of the Beadles do attend the noblemen & Drs. to the V. C. & the 2 senior Regents, unto whom they deliver their Suffrages in writing, for the choice of a Senior Proctor. This being done, a Beadle saith, "Ad Scrutinium pro Electione Senioris Procuratoris." Then the Regents deliver up their Suffrages.

Another Beadle then in the Non-Regent House, having a Scrutiny ready by { Placet } saith, "Ad Scrutinium pro Electione Scrutatorum." { non placet }

Then either of them, (after a little pause) saith, in the several Houses, "Ad Scrutinium 2^{do}." Then after the like pause "Ad Scrutinium ultimo."

Then the Senior Regent of those, which stand with the V. C. in Scrutiny, doth read at the Foot Pace, the several Suffrages for the choice of the Senior Proctor, the other Regent then also standing by him. All of them being read, he saith "In Dei Nomine, Amen. Ego A. B. senior Regens in hac Congregatione eligo et electum a vobis pronuntio Magistrum A. B. in Seniore Procuratorem hujus Academiæ in Annum sequentem." Then the Junior Proctor is chosen, & pronounced chosen in such manner as was the Senior.

About the same time the Senior Non-Regent that was sworn to choose the Scrutators, the other Non-Regent standing by him, saith, with a loud voice, "Mr. A. B. & Mr. C. D. placent iis."

After the Proctors and Scrutators are thus chosen & pronounced, they all come up to the Table to Mr. V. C. who giveth them together the Oath of Supremacy. Then he saith to the Proctors, "Jurabitis etiam quod bene et fideliter præstabis ea omnia quæ spectant ad Officium Procuratorum: sicut vos Deus &c." And to the Scrutators, "Jurabitis quod bene et fideliter

præstabitis ea omnia quæ spectant ad Officium Scrutatorum: Sicut vos Deus &c."

Mr. V. C. delivereth the several Books and Bunches of Keys to the Proctors; & each of the Scrutators a Key. Then a Grace is propounded for the Chest Keepers, & Auditors in this Form. "Placeat vobis ut ii omnes, quorum nomina sunt infra scripta, sint earum Cistarum Custodes atque auditores, quibus sunt singuli infra assignati. Cistæ communis Custodes, una cum Domino Procancellario, & Dominis Procuratoribus, ambo Scrutatores.

Auditores ejusdem { Dr.
Dr.
Dr.

Cistæ Efen & Neal { Dr.
Custodes { Dr.
Dr.

Auditores ejusdem { Dr.
Dr.
Dr.

Cistæ Billingsford & { Mr.
Bowser Custodes { Mr.
Mr.

Auditores ejusdem { Mr.
Mr.
Mr.

Cistæ Darlington & { Mr.
Exeter Custodes { Mr.
Mr.

Auditores ejusdem { Mr.
Mr.
Mr.

Cistæ Trinitatis { Mr.
Custodes { Mr.
Mr.

Auditores ejusdem { Mr.
Mr.
Mr.

The V. C. usually doth nominate the Auditors of the Common Chest, & the Proctors the Keepers & Auditors of the other Chests¹ (excepting Efen & Neal, of which Chest the V. C. of late years hath nominated both the Custodes & Auditores.)

Whilst the aforesaid Grace is reading, & passing by the Caput Senatus, & likewise in the Non-Regent-House, the Senior Proctor doth peruse the Statute concerning the Beadles, before he reads the Grace for the Chest Keepers.

¹ All these chests, as well as several others, (whose funds were left by different benefactors to furnish loans upon pledges of manuscripts, jewels, &c., to members of the university,) have disappeared: the funds of many of them were absorbed by the nearly compulsory purchase of the rectory of Burwell by the university in 1545, and were never replaced. *Stat. Acad.* p. 127.

Then one of the Beadles saith, “Magistri Regentes et Non-Regentes:” when the Non-Regents are come as far as the Proctor’s Table, the V. Ch. goeth & sits in his Chair during the time that the Senior Proctor readeth the Statute, “De Electione Bedellorum. Cap. 28.” which being read, the V. C. & both the Proctors doe goe up to the Table, when every one of the Esquire Bedells doth deliver up his Staffe unto the V. C. & then the said Beadles doe take their leave of both the Houses, & do stay in the Law Schools whilst the V. C. & Proctors do stand in Scrutiny, to be informed how they have behaved themselves in their Places. If there be no complaints made against them, then the Junior Proctor comes down presently into the Law Schools for them, & thence they go up to the V. C. who delivereth them their several staves, speaking a word or 2 in their commendation &c. Then they holding up their Staves, give a thankfull Respect to the V. C. Proctors, Drs. Regents & Non-Regents, as they pass by them on both sides of the Houses.

Then the Proctors goe to their Seats, and the Senior of them readeth the Grace for Chest-Keepers: which being passed, the V. C. goeth to his chair, & sitting there, saith, “Nos continuamus hanc Congregationem Regentium & Non-Regentium in Horam primam pomeridianam.”

At which Time, a competent number being met, one of the Beadles calleth up the House: then the V. C. sitteth in his Chair, & the Senior Proctor readeth the Statute, “De Electione Taxatorum:” & then, “Nominati & presentati ad Officium Taxatorum in Annum sequentem { Mr.
Mr.”

Then the V. C. & Proctors stand in Scrutiny, & give their own Suffrages first, in 2 several Papers for the choice of both the Senior & Junior Taxer. When the Doctors have done the like, then a Beadle saith “Ad Scrutinium pro Electione Taxatorum.”

After the 3^d. notice of the Scrutiny given, & the scrutiny ended, the Senior Proctor, his Brother standing by him, readeth at the Foot Pace, the several Suffrages for the choice of the Senior Taxer, & then saith “In Dei nomine Amen. Ego A. B.

senior Procurator hujus Academiæ eligo, et electum a vobis &c.” Then he readeth the Suffrages for the choice of the Junior Taxer, & pronounceth him chosen in like manner.

If no other business be then to be done, Mr. V. C. dissolveth the Congregation in these words, “*Nos dissolvimus hanc congregationem Regentium & Non-Regentium.*” Mem. that he first gives the Oath of Supremacy, to the Taxers, & “*Jurabitis quod bene et fideliter &c.*”

Oct. 12. The V. C. all the Heads (or, in their absence, the Presidents) all D^{rs}. & both the Scrutators, are to be in the Regent House, by one of the Clock in the Afternoon, for the choice of the Caput Senatus. After the Statute is read by a Beadle, the V. C. writeth down 5 names, viz. a D. of D. a D. of L. a D. of M. a Non-Regent, & a Regent. Either of the Proctors doth write as many. And out of these 15, the V. C. Heads, D^{rs}. & Scrutators doe pricke 5. The Proctors doe only nominate; they pricke none. Two Senior D^{rs}. stand in Scrutiny with the Vice Ch.: and the Junior of the Company doth pricke first, & so the rest in their Juniority, and the V. C. last of all.

Then one of the Beadles writeth in the paper where they are pricked, “*Nominati & punctis notati in Caput Senatus pro anno futuro.*” And when the Beadle hath pronounced the names to the Company, he doth give the Paper to the V. C. who doth deliver the same presently to the Senior Proctor, who is to publish it in the Regent House at the beginning of the next Congregation by Statute.

Magna Congregatio, commonly called The Black Assembly, is always upon the fryday immediately before the Feast of S^{ts}. Simon & Jude, at St. Mary’s Hora-nona. The Maior is to have Notice 3 days before, to bring with him 2 Aldermen, 4 Burgesses & 2 of every Parish, to be sworn before Mr. V. C. The Sen^r. Proctor doth give them their Oaths. At this Time also there be certain priviledged Persons and Townsmen appointed for the Paving Leet: whereof there are 14 of the University, & as many of the Town.

The Priviledged men are warned by the Yeoman Beadle; &

the other by the Serjeants. They are sworn truly to search where there is default of Paving & Gravelling in such Places as are accustomed to be paved & gravelled within the precincts of the Town. The Places in particular are read unto the Jury, either by the Register or Town Clerk.

This being done, the V. C. & his assistants do come out of their seats, & put on their Copes, & then they sit down near unto the East Window at the upper end of the Chancell¹. The Major, Aldermen, & Burgesses sitting right opposite against them. Now the Proctor is to give the Aldermen, Burgesses, & 2 of every Parish their several Oaths, which are all in his book. There are also at this meeting 2 of the Town sworn for the search of Leather & Sackcloth.

The V. C. now maketh a short speech unto them all, concerning the Oaths that they have taken, telling them, what a sacred Thing an Oath is &c. and also what a dangerous & lamentable Thing it will be to them if they do break & violate these Oaths that they have so solemnly taken: Therefore he exhorts them to perform their duties diligently & faithfully². The V. C. having ended, he saith, “*Nos dissolvimus hanc Congregationem Regentium & Non-Regentium, omniumque Studentium.*”

Mem. That the Jury-men have a day appointed them for to bring in their Verdict, at which time they do receive some Monys from the V. C. & the Major, for their Pains. The V. Ch. is to meet the Major again a month after Easter, in the said Place, & about the said Paving, Gravelling &c.

The Proclamation for the Market is usually upon the 2^d Saturday after the new Proctors are chosen & admitted. The said Proctors are to desire Mr. V. C. the Heads & other Drs. the Commissary and Taxers, to meet at the Consistory at 9 of the Clock in the morning on which the Proclamation is to be made:

¹ This was before the present throne was erected, which now destroys so entirely the proper effect and harmonious proportions of this otherwise beautiful church.

² The oath taken is now somewhat

modified: it were well if this degrading and unmeaning ceremony, which only serves to perpetuate feelings of alienation between the town and university, was altogether omitted: there are now no services to be performed.

where the Proctors having provided wine & cakes for them, after a little stay, they goe all of them to the 2 Market Hills, where there are Chairs & forms placed for the V. C. & Company to sit upon during the reading of the said Proclamations.

Nov. 3. At 8 o'Clock in the morn: there is a Congregation ex Statuto & then the V. C. (after he hath sat a little while in his seat) commandeth one of the Beadles to call up the Houses: which being done, he goeth to the back of his Chair, & there standing, maketh a short farewell speech, laying down his office; & then he taketh his Place among the Doctors, according to his Seniority.

Then the Beadles holding up their Staves do bring the Proctors into the Vice Chancellors Place.

Then he that was the late V. C. cometh to the Proctors, & delivereth unto them, 1st. The Statute Book, then the Seals, Keys, Purse & Plate: which being done, this Grace (which is not to be propounded unto the Heads) is to be read in the Regent House by one of the senior Regents present: viz. Placeat vobis, ut Sigilla et Claves muneris Procancellariatus sigillentur Sigillis M^{ri}. A: B: & M^{ri}. C. D. Any 2 Regents present at the Congregation may be named in the Grace for that Purpose.

When this Grace is passed, the 2 Regents chosen thereby, seal up the Seals & Keys, being put into the Purse, with their own Seals: & are then admonished by the Proctors to be at the next Congregation there to discern, whether the Purse hath been opened Yea or Noe. This done the Proctors doe goe & sit upon the Form, by the V. C. chair, & the senior of them saith, "Nos dissolvimus &c."

At 9 of the Clock the same day, al the Heads of Colleges, or in their absence, their Presidents do meet in the Regent House, & there at the Upper Table (after one of the Beadles shal have read so much of the Statute, as doth concern the nomination of a V. C.) the senior Dr. writeth down the name of one, whom he thinketh fit to be V. C. & then the next Dr. in Seniority writeth down another name. The rest of the Heads & Presidents may write more names if they please: but if they do like well of those

2 formerly written, then all (save 3 of the seniors, who are to stand in scrutiny) do goe from the Table unto their several Seats in that House.

Then the Junior of all the Company goeth up to the Scrutators, & before them pricketh 2 of those names which are there written down in the Paper. Then the rest according to their Juniority, doe goe up & pricke in like manner; & last of all the Scrutators, being usually 3 Doctors, do likewise the same. This done, the Scrutators do deliver the names of those 2 which have most Pricks unto one of the Bedells, who presently publishes them to be nominated & pricked in these words, “*Nominati & Punctis notati ad Officium Procancellariatus in Annum sequentem*” { Dr. B.
Dr. C.”

Then the Proctors, attended by the Bedells do come into the Regent House, & there the Senior Dr. doth deliver to the Senior Proctor the names of those two which are pricked for the Vicechancellorship, to be by him published in the beginning of the next Congregation appointed for the election.

At the said Congregation, (which must be either at 9 or 1 of the clock of the 4th or 5th of the Month) the Proctors, (after both Houses are called together) doe goe from their seat at the upper Table unto the Back of the Chair, & there the Senior doth first publish the names of those two who are named & pricked &c.

Then he maketh a Speech concerning Magistrates & good Government: then both the Proctors to sit upon a Form placed by the chair, whilst one of the Beadles readeth so much of the Statute, as concerneth the Election of the Vicechancellor; which being ended, the Proctors do return to their place at the upper Table, & there with 2 senior Drs. do stand in scrutiny, & all of them do first put their own Suffrages into one of those Hatts which are placed before them. Then the Beadles do attend the Noblemen & Drs. unto the Scrutators, for the Delivery of their Suffrages. This done, one of the Beadles saith, “*Ad Scrutinium pro Electione Procancellarii.*”

Then the Non-Regents come up & deliver their Suffrages ; & when they have so done, the Bedle saith “ Ad Scrutinium secundo : ” And when most of the Regents have delivered up their Suffrages, he saith, “ Ad Scrutinium ultimo. ” Then after a little pause, the Bedle saith, “ Cessatum est a Scrutinio. ” After this notice given no more Suffrages are to be received.

If there happens to be any Canvas or opposition the Scrutators do there number the Suffrages, & then the Proctors doe goe to the foot Pace & the Senior doth read first those suffrages that are given for the Party who loseth the V. C. ship. Then he readeth the Suffrages for him, who by the greater part is chosen V. Chr.; last of all he saith, “ In Dei Nomine Amen, Ego A: B: Senior Procurator hujus Academiæ eligo, et electum a vobis pronuntio dignissimum Virum Doctorem A. B. Procellarium hujus Academiæ in Annum sequentem. ”

Mem. That so soon as the Suffrages are numbered, one of the Bedells goeth unto him that is chosen who, either presently cometh to be admitted, or else sendeth word by the Bedell, that he doth desire the Congregation may be continued unto some other time more convenient for him.

Whensoever the elected V. C. shall come to the Congregation to receive his admission, (which is seldom deferred, if the Party elected be at Home, & in Health, above the space of one Day) one of the Bedels, all the Fellows of his College that are M.A. & the M.A. which are not fellows, do usually attend him from his college to the Law Schools, where he doth put on his cope & then goeth up to the Regent House ; & taketh his place according to his Degree of Seniority.

When he hath sat there a little while, the Proctors do send one of the Bedels unto him, to desire him that he would please to receive his admission. When he is come to the upper end of the Table, the Proctors standing up, whilst he also standeth there, the senior of them doth read the Oath of Supremacy to him, & then, “ Jurabis etiam quod bene et fideliter &c. ”

Then the Proctors doe yield their places to the V. C. & they do stand at the upper end of the Table, whilst the 2 Regents,

who sealed up the Purse, do come & see, whether it hath been opened or not. Then the Proctors do open the Purse, & deliver to the new V. C. the Statute Book, seals & the rest of the things they received from the Old: then taking their Leave of the V. C. they go presently to their own seats.

After a little pause, the V. C. commandeth one of the Bedels to call up the Houses: then he goeth to the back of the chair, & there maketh a speech unto the company. Which being ended, he returneth to his seat, & causeth a Bedel to assemble the Caput Senatus, which being come all to the Table, he propoundeth a Grace for the 12 Preachers; which being passed in both Houses, the V. C. goeth to his chair, & saith, "*Nos dissolvimus hanc Congregationem Regentium & Non-Regentium.*"

Usually all the Officers do attend him to his Lodging, where he entertaineth them with cakes and wine.

The same Form, which is to be observed in the nomination, Pricking & Election of the V. C. is also to be observed in the nomination, Pricking & Election of Bedels, Register, Printers, & other Officers of the University, which have not a particular Form of Election expressed in the Statutes; as appeareth Lib: Stat: Cap. 40.

The Form to be observed in the choice of our Chancellor is clearly expressed, Lib: Stat: Cap. 33. & the same Form is to be observed in the choice of Burgesses for the Parliament, & Clerks to be presented to those livings, whereof convict Recusants are Patrons.

The Election of University Preachers is passed by Grace, propounded first to the Head, & then to both Houses in this, or the like form, "*Placeat vobis ut ii omnes, quorum nomina sunt infra scripta, sint 12 Prædicatores hoc anno per Academiam emittendi; ita ut super hac concessione vestra Literas habeant patentes Sigillo vestro communi Sigillatas.*"

The Professors of Divinity, Hebrew, Greek, &c. are to be chosen according to the forms prescribed in their several Foundations.

Upon 16 Dec: (being the last day of Term) there is a Con-

gregation ex Statuto; which is always about 9 of the Clock in the Morning; at which Time the Posers¹ are usually chosen. A Grace also is passed then, That the Senior Bac^s of Arts, & Questionists, may have leave to keep their several Acts, at other Times, & in other Schools than are appointed for the same by Statute. At this Congregation likewise the Auditors of the Common Chest are sworn in his verbis “Jurabitis quod bene et fideliter accipietis computum Cistæ Communis, sicut vos Deus, &c.”

Now (if there is no other Business to be done) a Bedel calleth up the Houses, and the V. C. goeth to the back of his Chair, & he first readeth the 67 Psalm in Latin to the Company all kneeling, who repeat the same after him. This done, he sitting in the Chair, Capite tectus, pronounceth the Absolution in these words “Auctoritate nobis commissa nos absolvimus vos ab omni levi negligentia, Forisfactione, seu Transgressionem Statutorum, Privilegiorum & Consuetudinum, et Deo et Sacramentis Ecclesiæ vos restituimus; in nomine Patris, Filii, et spiritus Sancti. Amen².”

Then he saith, “Nos dissolvimus hanc Congregationem Regentium et non-Regentium, una cum Termino.

usque ad { 13 Diem Januarij
 { 11 Diem post Pascha
 { 10 Diem Octobris.

Upon 12 Jan: being Pridie Termini, the Lady Margaret's Professor doth make, or cause to be made, a Sermon ad Clerum at St. Mary's at 9 of the Clock in the Morning.

On Monday, Tuesday or Wednesday, either in the next or the next week save one after the said 12 day of Jan: the Quæstionists, at the appointment of the V. C. and Proctors, do sit in the Regent House, there to be examined by the Proctors, Posers & other Regents.

The Posers Feast was antiently kept upon the Thursday at Night the Examination or Posing was ended. Unto which

¹ See Note 2, p. xiii. Appendix A.

² The power of absolution presupposes that of excommunication, and was one of the incidents of the ecclesiastical authority exercised by the

chancellor in this and other universities. It is not a little curious, that so manifest a relic of Popery should have survived the Reformation.

Supper the Proctors did invite Mr. V. C. the Heads of Houses, Drs. Professors, the Caput Senatus, & all the University Officers. Upon the said Thursday there must be a Congregation called against 8 of the Clock next morning.

Then the V. C. (after both Houses are called together) delivereth unto them, in a short speech, the cause of that meeting, & then sitteth down in his chair, whilst the sen^r. Poser (the other standing by him) on the left hand of the V. C. maketh a speech; which being ended, the V. C. goeth to his seat, where the Posers do deliver to him a Bill, wherein are written the names of all those Quæstionists which they have approved of. Then a Bedel desireth those of the Caput Senatus to come unto the V. C. for the passing of Graces for the said Quæstionists. The V. C. readeth all the graces, some one of the Head holding the Posers Bill to stay those whose names are not in the said Bill.

Mem. That the name of the College be set in the margin of every Grace, & that the said Grace be subscribed by the Master, or Head Lecturer of the College, as is required. Lib: Stat: Cap: 21.

If these Graces do pass the Head, the V. C. writeth "Ad:" being a note of approbation upon every Grace. Then they are carried down by one of the Bedels, unto the Non-Regent House, & are there read by the Senior Scrutator, his Brother standing by him.

After all of them are read, the Scrutators do go to every Non-Regent, to know his Pleasure concerning them; & if the greater part should approve of them all, then the Scrutators, looking towards the Regent House, the Senior saith, "Omnes placent." But if any be disallowed & not liked, then the Senior Scrutator saith of A. B. C. D. &c. "Non placent," "Reliqui placent."

Then a Bedel carrieth all the Graces that passed, unto the Proctors, to be by them propounded unto the Regents, as they were unto the Non-Regents by the Scrutators: which order is always observed.

The Register is to write upon all Graces that are passed "Lect: & concess:" Jan: A^o. Domini ". . . ." Mem: that the Proctors do ask their Graces "Ad intrandum."

This Congregation is usually continued in Horam primam pomeridianam. When the Houses are met, the Proctors, one of the Bedels & Register goe down to the Non-Regent House Door; & there the Proctors doe call for those of every several College, who have paid their Fees, & their Graces passed. The Register is to search his Book of Subscription to see that none go in at the Proctors call, but such only as have subscribed. As the Quæstionists, having their Hoods on, pass into the Non-Regent House, the Schole-Keeper delivereth to every one of them a printed Copy of that Oath, which they are to take before their admission. When every one of 3 or 4 Colleges have received the Copies of their Oaths, a Bedle holding up his Staffe, goeth before the Senior Father, his sons following him into the Regent House; whither all the Rest of the Fathers & Sons do come in like manner. The Sen^r. Father first presenteth all his Sons (holding 4 or 5 of their right Hands in his own) unto the V. C. then sitting in his chair, & to the rest of the University, in these words, “Domine Pro-cancellarie, & tota Universitas, præsentō hosce Juvenes, quos scio tam Doctrina quam moribus idoneos esse ad respondendum Quæstioni: idque Tibi mea fide præsto totique Academiæ.” In the like manner all the rest of the Fathers do present according to their Seniority.

As the Quæstionists are presented, they are directed to the lower part of the South Side of the Regent House by one of the Bedles, & there to stand whilst all the rest are presented.

Then the Sen^r. Proctor, standing with the Junior on the left hand of the V. C. (sitting still in his chair) doth read the Oaths, which they are to take, the Register holding the Book to one of the said Quæstionists; unto whom only all the Oath is read; & when that Quæstionist hath Kissed the Book, about 5 or six of the rest do lay their hands upon it, whilst the Proctor saith: “Idem Juramentum quod præstitit A. B. in Persona sua, præstabitis et vos in vestris Personis; sicut vos Deus adjuvet & Sancta ejus Evangelia.”

When all are thus sworn, the V. C. doth admit every one of them Kneeling before him on the foot Pace, and holding their hands between his own, saith, “In Dei Nomine, Amen. Autho-

ritate nobis commissa admittimus Te ad respondendum Quæstioni; in nomine Patris, Filii, et Spiritus Sancti."

When every one is thus admitted, he riseth up, and after he hath done his obeisance to Mr. V. C. he passeth between the Proctors unto the upper Table, & there kneeling down¹, giveth God Thanks in his Private Prayers &c. When all are admitted, a Bedel goes down with them into the lower House, & there leaveth them.

Then the V. C. if there be no after Business to be done, dissolveth the Congregation.

Mem. That all the Quæstionjsts, between the time of their Admission, & Ash Wednesday, are to enter their Priorums²: the manner of that Exercise, in Brief is thus.

One of the Bedels, having timely notice thereof from each Father, doth goe to the College about 8 or 9 of the clock in the Morning & cause the Butler to toll the Bell; which doth call all the Quæstionists into the Hall; where the Bedle biddeth them to be in Readiness, with their Hoods on, to attend their Father to the Schools. When the Fellows come into the Hall, the Quæstionists go out, & stand by the screen: then, after a little stay there, the junior Quæstionist goeth next unto the Bedle, & so all the rest do goe in their Juniority, the Father cometh last after his eldest son; the Fellows, Fellow-Commoners, Bac^{rs}. of Art, & the rest of the Students in that College, follow the Father into that School, in which he is to make his Speech.

The Bedle being entered a little way into the said School, saith with a loud voice, "Bona Nova Mater Academia, bona nova." When he hath set up the Father, & placed his sons before him, then he saith, "Honorande Pater, filiorum nomine, Gratias tibi agimus, liceat tibi sedere, cooperiri, & filios tuos affari, prout tibi visum fuerit."

When the Father hath ended his speech, he doth then ask every one of his sons a Question, beginning with the senior. The Quæstions are out of Aristotles Priorums (as the name of this Exercise seemeth to import) which Quæstions being answered unto, he commendeth his sons in a line or two, & then cometh

¹ See Note 2, p. xii. Appendix A.

² See Note 2, p. v. Appendix A.

out of his Seat. The Bedle now goeth before him, & the sons follow the Father in their Seniority, & all the company follow the Questionists to the College.

Mem. That all the Quæstionists are to goe bare headed, with their caps off, & to return Home in the like manner. It hath happened some time that 4 or 5 Colleges have kept their Priorums in the same morning: then all the 3 Bedles have employment enough to attend so many Priorums, & the Master of Arts Disses.

Upon Ash-Wednesdy Morning between 7 and 8 of the Clock, the Bedles go to the several Colleges to bring the Quæstionists, or young Bachelors Commencers to St. Mary's. If they will go with the Bedle, they must go bare-headed, & in their Hoods, according to their Juniority. But in regard of the Cold Weather, Rain or Snow &c. they are unwilling to follow him bare-headed; & therefore they desire to come privately, when the Bell rings to the Clerum, or Supplications; which they never fail to do.

The Clerum is usually performed by one that intendeth to commence Bac: or Dr. in Divinity; but in case none will be persuaded to preach the said Sermon ad Clerum, then the Litany is there to be sung, either by the Proctors, or their Deputies: & then the V. C. doth end the Prayers. The School Bell doth ring to the Clerum, or Supplications at 9 of the Clock. Mem: that neither of them are to be called by the Bedles.

When the Clerum, or Supplications are ended, then all the Company go from the Church to the School yard, the Junior Bedle going before the Commencers & their Father; the 2^d. Bedle before the Proctors; & the Senior Bedle before the V. C. Noblemen & Doctors. Now if there be no Business for a Congregation, then the V. C. Noblemen & Drs. the Proctors, Taxers, & all that are Disputants this Day goe into the Consistory, & fit themselves with gloves.

Then one of the Bedles carrieth the Proctors, Father, Disputants, Tripos, & the 2 Brothers unto their several Seats.

Then all Masters of Arts & fellow-Commoners, with the V. C^{rs}. Leave, goe through the Doctors Seats, unto their own in the Philosophy Schools.

Now the V. C. Noblemen, Drs. & Strangers are brought up to their Seats without any crouding. Last of all the Door is opened for the Bachelors, Sophisters, & the rest of the Scholars to come in.

After a little Pause, the senior Proctor beginneth his Speech, & towards the end thereof, speaketh to the Father to make an Exhortation to his Sons; which, after the Father hath done, the Senior Proctor calleth up the Tripes, & exhorteth him to be witty, but modest withall.

Then the Tripes beginneth his Speech or Position, made for the Illustration & Confirmation of his 1st Question. He may, if he will, speak something of his 2^d Question: but if he doth not, then the Senior Proctor commandeth the Senior Brother to reply upon the Tripes; & after him, the Junior Brother. Then the senior Proctor desireth the Father to urge his Sons argument. The Father Propounding 2 or 3 Syllogisms in either Quæstion, Mr. Proctor dismisseth him, & calleth up the first Opponent, being a Mr. of Arts.

Now the Father may go out of the Schools, if he please, with a Bedle before him, & come in again when the 2^d. opponent is disputing upon the 2^d. Quæstion. Then presently after the Father is in his Seat, Mr. Proctor doth end the Tripes his Act, with a word or two in his commendation, if he deserves it.

Then Mr. Proctor speaketh unto the Father to begin his Position towards an ensuing Act in Philosophy; & whilst he is reading it, the Bedles do deliver his Verses to Mr. V. C. the Noblemen, Drs. Proctors, Taxers, Strangers, antient Bachelors in Divinity, & other grave men &c.

When the Position is ended, Mr. Proctor, or his Deputy, being Moderator, doth call up the first opponent; who first makes a short Speech, & then disputeth upon the Father; he being taken off by the Moderator, the 2^d. Opponent cometh up, & doth reply presently, without making any Speech or Oration; who, after he hath disputed a short Time upon both Quæstions, is taken of by the moderator, who doth briefly determine one, or both Quæstions, which Determination being ended, he concludeth with some thankfull expression to the company for their Patience &c.

Mem. That the senior Brother hath usually Leave to make a short Speech before he disputeth upon the Tripas, in which he thanketh the University for his Degree.

The Senior Mr. of Arts, who is to dispute upon the Tripas, may likewise, if he please, make a Speech before he falls to his Disputation.

Mem. That the Bedels also are to deliver the Tripas's Verses to the V. C. Noblemen, Drs. &c. whilst the 2 Brothers are disputing upon him.

Presently after the Senior Proctor hath determined the Quæstions, & thanked the Auditory for their Patience (as mentioned before) a Bedel calleth the names of 10 or 12 Commencers, to whom the Father hath given Seniority, & if any presenteth himself to the Father, then Mr. Proctor saith, "Incipe: ad Oppositum." And when the Father hath spoken to his son a word or two in his ear, Mr. Proctor saith unto him, "Exito." Then he goeth down, passing through the seat by his Father. And if any of them doth not appear, when he is thus called by the Bedel, Mr. Proctor saith, "Reservamus ei Senioritatem suam."

When they are all called whose names are in a Bill written by the Father, Mr. Proctor standing up in his Seat, saith with a loud voice, "Nos continuamus hanc Disputationem in Horam primam Diei Jovis post 4^{tam} Dominicam hujus Quadragesimæ.

From Ash-Wednesday, unto the said Thursday, all the Commencers (except some few whom the father shall think fit to dispence with) are to come to the Schools upon every Monday, Tuesday, Wednesday, Thursday & Fryday, at one of the Clock in the Afternoon, & to bring thither with them every one a Sophister. But if any of the Aforesaid Days happen to be a Holy Day, then they do not sit; nor upon Holy day eves.

They are all to continue in those Schools which the Proctors shall assign unto them, from one of the Clock until 5 in every of the said Days: during all which time the said Commencers are there to be ready to defend 2 or 3 Theses, which they themselves shal make choice of, & deliver unto those Bachelors of Arts, not of the same College, who shall think fit to come thither to reply upon them. And every Sophister is likewise to be in a

readiness to defend 2 or 3 Theses against any other Sophister, not of his own College who shall think good to oppose him therein.

Mem. That any Bachelor or Commencer may moderate whilst 2 Sophisters dispute. And any Bachelor may moderate whilst any Commencer disputeth. If any Sen^r. Bachelor comes, & takes Quæstions, he disputeth with his cap on, & all the rest are bare.

Mem. That between the hours of 1 & 2 of the clock, the Proctors come to the Schools duly for the first 10 or 12 days, & call over the names of all the sitters, & observe whether every Commencer hath his Sophister by him: & every one that they find in their catalogue to be absent, or without his Sophister, they do punish 12^d. toties quoties.

Then they will call out 2 Bachelors of several Colleges to dispute, & the 2 Sophisters, not being of the same College, to dispute likewise. In this manner they will sometimes set 20 or 30 of them to dispute, before they leave them.

Every Day at 3 of the clock all the Bachelors & Sophisters may goe out till 4, & refresh & recreate themselves. But presently after the clock hath gone 4, the Proctors usually come into the schools again to call their names.

The Commencers & their Sophisters are disputing & wrangling there till the clock strikes 5, & then they knock off & goe to their several Colleges.

After they have sat thus about 10 or 12 days, the Proctors come no more, but the V. C. doth send a Beadle to give the first "Exeat," in these words, "Exeat, redeat, Gratias agatis doctissimo viro Dr. . . . Procancellario dignissimo nostro."

After this, they have an "Exeat" every day that they sit, viz., by the Noblemen, Publick Professors, Orator, Proctors, & Bedels.

Upon the Wednesday next before the latter Act they have an "Exeat" from the Bedels, in these words, "Exeat, nunquam redeat, Gratias agatis fidelissimis vestris Amicis Bedellis."

Upon every Saturday between Ashwednesday & the latter Act, the Quæstionists are to come to St. Mary's at the ringing

of the School Bell, about 9 in the morn: & there in the chancel sing the Litany, & one of the Proctors ends with the Prayers after it. In case the Saturday be Holy Day, they are excused & freed from that employment.

The Latter Act is like the commencement on Ashwednesday in every respect, save that we meet at the Schools, & begin at 1 of the clock.

The Act being ended, a Bedel calleth so many of the Sons as are named & written in his Bill, the Proctor saying for every one that doth not appear, "*Reservamus ei Senioritatem suam.*"

Then the Proctor saith, "*Reliqui petant Senioritatem a Registro.*" Last of all he saith, with a loud voice, "*In Dei nomine, Amen. Autoritate qua fungimur, Decernimus, creamus & Pronuntiamus omnes hujus Anni Determinatores finaliter determinasse et actualiter esse in Artibus Baccalaureos.*"

Mem. That a little before the Senior Proctor beginneth his speech, one of the Bedels doth call a Congregation against 9 of the clock next morning. At which time the several Fathers doe deliver unto the Bedels all those Graces that are passed in their several Colleges for Inceptors in Arts. The V. C. propoundeth these to the Caput Senatus, and writeth "*ad*" upon every one of them that is granted & approved.

These Graces are carried down into the Non-Regent House by one of the Bedels, there to be read by the Scrutators; & then into the Regent House to be read there by the Proctors. When they have been read in both Houses, the Register writeth on every Grace, *Lect: Mart. A°. Domini. . . .*

Then if there be no other Business, the V. C. continueth the Congregation unto 1 or 2 of the clock the same day. Against which time, the Bedels are to write all the names of the said Inceptors in 3 or 4 large sheets of paper, & against every name, "*placet—non placet.*" And those sheets of paper being fastened together, are called the scrutiny. Which, when the Senate is assembled, must be carried, with all the Graces that were read in the morning, into the Non-Regent House; where, when the Scrutators have again read them, they two, & the Senior Non-Regent there present, do sit in Scrutiny at their Table.

Then the Bedle saith, “ Ad Scrutinium—Ad Scrutinium 2^{do}.
Ad Scrutinium ultimo.”

Mem. That at the lower end of the last sheet of the Scrutiny is written, " Omnes { Placent." If there be given more
non Placent." " Placents" than " non Placents," the Senior Scrutator saith, " Omnes Placent." If they be not approved of, then " Nulli Placent." Or if some few of them be disliked & not approved of, then he saith, " A. B. &c. non placent; Reliqui placent."

The Scrutators do take notice how every one doth express himself, by crossing either the affirmative or negative line drawn either against "omnes," or against any particular Inceptor written in the said Scrutiny.

The form, manner, & order are observed in the Regent House by the Proctors, as was in the non-Regent House by the Scrutators: saving only, that the V. C doth sit in scrutiny with the Proctors there standing at the table: and the Bedle doth not call “ad Scrutinium” till he hath carried up the Noblemen & Drs. The 3^d notice of the Scrutiny being given by the Bedel, the Senior Proctor (his Brother standing by him at the Foot-Pace) doth pronounce the Scrutiny, as he is thereby directed.

If there be no other Business to be done, the Congregation is presently after dissolved by Mr. Vice Ch: Then all the Inceptors, whose Graces are passed, following him home to his Lodging; & there 4 or 6 of their company, chosen to be the speakers, do humbly intreat his Favour for them at the next Congregation.

Then they are in like manner to visit the Caput Senatus, all the Drs. & Regents of the several Colleges: which, when they have done, (as usually they have within the space of 3 or 4 days,) they give notice thereof to the Bedels; who do bring the Inceptors from their several Colleges, they following the Bedels with their caps off: or else they desire the Bedels to meet them at the Consistory at one of the clock upon the Wednesday before the Congregation; which is always on the next Friday following by Statute.

The Bedels do then take their names & their fees, & go into the several Schools with them; viz: the Philosophy, Logick, &

Rhetorick Schools : & so soon as all the Inceptors of any College are come into one of the said Schools, the Bedel saith, “ Ascendat Senior :” & when he hath placed himself in the answerers Seat, the Bedel saith unto him, “ Erudite Baccalauree¹, liceat tibi interpretari quam Partem velis Posteriorum Aristotelis.” When the Inceptor hath read 2 or 3 lines, & is beginning to interpret, some young Scholars do usually interrupt him by knocking upon the Desks & Doors (which is done in regard the number of commencers is now so much increased, as that exercise cannot formally be performed by them all, in so short a space as is allotted for the same). The Senior, having read a little, cometh out of his Seat, and the Bedel turneth his Hood, the black part thereof outward. Then the rest go up & read, & being taken off, have their Hoods turned in the like manner. When the Beadle takes any Inceptor off, he saith unto him, “ Domine,” or, “ Erudite vir hæc tibi sufficient.”

When all the Inceptors have done reading, they either go to the Register to subscribe, or else to the Senior Proctor to pay him their fees.

Upon the Fryday morning next following, the School Bell doth ring at 9 of the clock, against which time the Bedels have made ready a Scrutiny of “ Scio—Credo—Nescio,” in such manner as formerly they did of “ Placent—non Placent.” So soon as the Senate is assembled, the Proctors go to the Foot-Pace, & the Senior saith, “ Placeat vobis, ut omnes Inceptores, quibus gratia a vobis nuper concessa fuit ad visitandum, bona vestra cum venia, intrent.”

When this is granted, the Senior Proctor, one of the Bedels, & the Register, go down to the Non-Regent House Door, to call them in according to the seniority of their Fathers, who are to present them. And the Inceptors having paid their fees, subscribed & taken copies of their Oaths, & performed all Exercise requisite for their Degree, are carried up by a Bedel, as the Bachelors were, &c.

As they are presented, they are to stand behind the Desk

¹ This was called the *Introitus Posteriorum*, or the entering the *Posteriorums*. See Note 1, p. v. Appendix A. The practice ceased about the close of the last century.

with a Green Cloth ; being all presented, the Proctor gives them their oaths in the manner he did to the Bachelors.

When they are all sworn, they go behind the Desk again. Then the V. C. & Proctors do stand in Scrutiny with “ Scio—Credo—Nescio.” Wherein the same order is observed as was in the former Scrutiny of “ Omnes Placent—non Placent.”

Mem. That if the Scio’s & Credo’s put together do exceed the number of Nescio’s, the Parties for whom they are given are to be admitted ; unless any of the Drs. or Regents shall give them a “ non visitarunt,” or pawn against them, as is directed. Lib: Stat: cap: 19.

Every Inceptor, after he is admitted, is to go betwixt the 2 Proctors, when he goes to the Table to do his Devotion.

Mem. Also, that so soon as they are approved of by this Scrutiny, & before their Admission, they are to follow the Junior Bedel round about the Regent House, giving a thankfull Respect to the V. Ch. Noblemen, Doctors, & Regents, as they pass by them.

Then, *mutatis mutandis*, they are to be admitted, & to do their Devotion at the Table, and to be carried out of the House, in such manner as is expressed concerning Bachelors of Arts.

Then Mr. V. C., the House being called up, doth read the 67 Psalm in like manner as he did at the End of Mich^s. Term : he pronounceth the Absolution, and dissolveth the Congregation, “ *una cum Termino usque ad undecimum Diem post Pascha.*”

Mem. That the Inceptors do, immediately after they are all admitted, go into the Philosophy Schools, & choose their Father ; who usually is the Senior Proctor : & they are to signify the same to the V. C. at his coming down from the Regent House.

Upon the Tuesday Se’nnight after Easter Day, being Pridie Terminii, is always a Sermon *ad clerum*, at 9 of the clock in the morning made by the Lady Margaret’s Preacher, who is to perform the Exercise by Statute. But sometimes he procureth a Dr. or a Bac^r. in Divinity, being a Commencer, to do it for him. Who-soever doth preach the Sermon, he is to be brought from his College by a Bedel to St. Mary’s, as the Professors were at the opening of the 2 former Terms. The V. C. & the Drs. come to this, in like manner, as they did to the *clerums* of the Professors.

Mem. That if he be an Inceptor in Divinity, which doth preach this clerum, & is a Bachelor of the said Faculty, then he is to come in his Cope. But if he commenceth per Saltum, he cometh in a Black Hood, as all which commence Bachelors in Divinity use to do.

Upon the 8 of May, the Regius Professor is to preach a Sermon ad Clerum at St. Mary's, at 9 in the morning ad commendationem Henrici septimi; or else to procure a Commencer to perform it for him.

Mem. That the Lady Margaret Preacher is to make mention in his Prayer of Queen Elizabeth, & to give God thanks, as well for her faithfull Departure out of this Life, as also for her innumerable Benefits, & inestimable favours bestowed upon us.

Whosoever doth preach at St. Mary's in the morning on Midlent Sunday, is to do the like for King James.

Upon the 10 of June (unless it happens to be Sunday) is always the Pricking of the 4 Lecturers: but the Statute saying, this Election is to be made upon the 10th or within 2 days after, there is Time enough to finish that Business.

The meeting is at 9 in the morning at the Regent House, where a Bedel readeth so much of the Statute out of the Black Book, as concerns the Nomination of the Lecturers. 2^{dly}. he readeth the Statute, De Nominatione & Electione Lectorum &c. 3^{dly}. some Part of the Statute concerning the Nomination of the Vice Chancellor. This being done, the V. C. writeth in the Paper laid before him, the name of a Regent for every of the said Lecturers. The Senior Dr. then present doth the like, & the rest of the Heads & Presidents, if they please, may nominate others: for the same order is here to be observed, as is expressed in the Nomination & pricking of the Vice Chancellor. Lib: Stat: Cap. 34.

The V. C. & 2 Senior Drs. stand in Scrutiny; which being ended, a Bedle saith, Nominati et Punctis notati pro Logica

Prælectura in Annum sequentem { Mr. A. B.
Mr. C. D.

Pro Philosophica Lectura { Mr. —
Mr. —

Pro Rhetorica Prælectura	{ Mr. —
	{ Mr. —
Pro Mathematica Prælectura	{ Mr. —
	{ Mr. —

Then this Paper is given to the Senior Proctor to publish in the Beginning of the next Congregation, which is always called against 9 in the Morning on the 11 or 12 of June.

The Houses being met together, the Senior Proctor, with his Brother standing by him on the left Hand by the V. C. doth read the 40th Statute, De Nominatione et Electione Lectorum: & then so much of the Statute as concerneth the choice of the V. Ch: beginning where the Bedle left off. Then doth he publish all the names of those, which are nominated & pricked in the Paper delivered to him.

This done, the V. C. & Proctors go to Scrutiny for the Choice of the Lecturers. The Scrutators having put their suffrages into one of the Hats, a Bedel carrieth up the Noblemen & all the Drs. & then saith, Ad scrutinium pro Electione Rhetorici Prælectoris.—Ad Scrutinium 2^{do}.—Ad Scrutinium ultimo. After the Cessatum est is pronounced, the Voices are numbered & read in the like manner as is expressed in the choice of the V. C. The same order is observed in the choice of the other Lecturers, viz. Logic, Philos. & Mathem.

After all the Lecturers are chosen, the Caput Senatus are called together to pass divers Graces; (it may be, some for Drs. Bac^{rs}. in Div:, Inceptors in Arts, Bac^{rs}. in Law & Phisick &c.) When these Graces have been read in both the Houses, the Register writeth upon them, Lect:, and then putteth them into the Locker or Cupboard, where they are to sleep, as the School Term is, till the next Congregation, which is usually at 1 of the Clock that Afternoon.

Then the Graces are read again, & passed by Scrutiny, in like manner as the Inceptors in Arts were. Then having performed their Acts, or cautioned for them, visited the Drs. &c. they are admitted in this Congregation: which being dissolved, all the Bac: in Div: newly admitted go into the Divinity School, & there choose one of their Company to answer the Divinity Act in Die Comitiorum.

In the mean time the V. C. the 2 Professors in Divinity, & all the Drs. of that Faculty being met in the Consistory, make choice of the Quæstions, which the Inceptor in Divinity is to answer and defend upon the Monday, which is in Vesperiis Comitiorum.

Then the Bac^r. in Div: is called in, who is to answer on the Tuesday, & he delivereth to the V. C. a Paper wherein be written about 14 or 16 several Quæstions. Out of which, when the V. C. and his Assistants have chosen & agreed upon two, the Bedels write them down in several Papers, in this, or the like manner.

IN VESPERIIS COMITIUM.

Resp: Dr. B. } Quæstio 1^{ma}.
Coll: Regal: } Quæstio 2^{da}.

IN DIE COMITIUM.

Resp: M^{ro}. C. } 2. — 1^{ma}.
Coll: Trin: } 2. — 2^{da}.

Mem: That the Answerers have usually the favour granted them to choose their Position Quæstions. The Bedels having delivered the said Quæstions to the V. C. & all the Doctors present, we depart &c.

IN VESPERIIS COMITIUM.

The Bedels are to go to the several Colleges, & bring the Inceptors in Arts to the Father in Philosophy by 7 of the Clock that morning in Hoods black. After a little stay at the Fathers Chamber, we go to the Father of Physick in this manner. First the Junior Bedel goeth before the Proctors. 2^{dly}. Then the 2^d. Bedel before the Father in Philosophy; next the Father, the Senior Brother, & after him all the Rest in their Seniority.

When we come from the Father of Physick, the 2 Bedels before mentioned go in the same order as they did; then the Senior Bedel goeth before the Father in Physick, & his Sons. So we go to the Father in Civil Law. When we go to the

Father in Divinity, then the Senior Bedel goeth before the Father in Law, & his Sons: the 2^d. Bedel before the Father in Physick; the Father in Philosophy going next after the Proctors without a Bedel. From the Father in Divinity we go to the V. C. & then the 2^d. Bedel goeth before the Father in Law, & the Senior before the Father in Divinity & his Sons; the Father in Physick goeth without a Bedel.

The Inceptors in all Faculties go this day with Black Hoods turned, & their Caps off. When we come at the V. C^{rs}. Lodging, after a little stay there, we are to go to the Schools. The first Bedel goeth, as he did before the Proctors, Father in Philosophy, & his Sons: The Father of Physick, & his Sons, the Father of Law & his Sons do now follow the Inceptors in Arts, without a Bedel; for the 2^d. is to go before the Father in Divinity, & the 3^d. or Senior Bedel before the V. C. who not being a Father is in his Scarlet Gown, his Cap being garnished with Gold Lace, but if he be a Father, then he goeth in his Cope; & so do the other Fathers with their Caps garnished.

The Proctors go in white Hoods, & their Caps garnished with Gold Lace, carrying their Books in their hands. The Father in Philosophy goeth in like manner, save only he carrieth no Book. When we are come into the Philosophy Schools, one of the Bedels saith unto the Lecturer there reading, *Venerabilis magister, hæc tibi sufficient.* Then he leaves off his Reading. The Bedel then readeth all the Quæstions in *hunc Modum*. *Quæstiones his nostris Comitiiis disputandæ sunt hujusmodi; In Schola Theologica.*—Then he reads them. *In Schola Juris Civilis—In Schola Medica—In Schola Philos:—*He readeth likewise all the Questions for these 3, in *Vesperii Comitiorum*, in *Die Comitiorum*.

Then another Bedel saith to the Lecturer in French, *Monsieur, une Parole s'il vous plaist. Les Seigneurs de notre Commencement vous prient, qu'il vous plaist d'être present Demain à leurs commencements dans l'Eglise de notre Dame.*

Then the Reader comes down out of his seat; & from thence we go to the Logick Schools, & there do the like; & from thence to the Rhetorick, & so do there likewise. The Junior Bedel is

now to go down to the Philosophy Schools, and when the Father is placed in the High Seat, & his sons by the Answerer's seat, the Bedel saith, Honorande Pater ad Benedictionem. The 2^d. Bedel doth the like to the Fathers in Law & Physick. Then we go into the Divinity Schools, & the Senior Bedel doth the like there also.

The Benedictions being ended, (which are usually very short,) we go from the Schools to St. Mary's Ordine quo supra. All the sons of all the Faculties going bare headed, with their Caps in their hands.

The V. C. is to be placed on the South side. The Father in Divinity in the lower Stage¹ at the West end of the Church. The Disputants, & other Drs. in Divinity behind the father in the upper stage. The Fathers of Law and Physick on the North Side, the Proctors on the South Side, & the Father in Philosophy just opposite against them.

All being thus placed, Mr V. Ch: (if he be a Divine) doth moderate this Divinity Act, & beginneth with a Prayer; then he maketh a short Speech, at the end of which, he desireth the Father to begin: who, at the end of his Speech, calleth up the Answerer, who, after his Prayer, readeth his Position. In the mean Time the Bedels deliver his Verses to the Vice Chancellor, noblemen, &c.

The Position being ended, The Father doth usually confute it, but very briefly, and then he disputeth upon his Son; who, after he hath repeated the first syllogism, doth endeavour to answer the Objections the Father used against it. Now he falleth to his arguments again, & having disputed a little while upon both Questions, the V. C. taketh him off, & calleth up the Senior Opponent; & so all the rest in their Seniority.

They having all disputed, the V. C. dismisseth the Answerer, with a word or 2 in his commendation, if there be cause for it. Then he beginneth his Determination: which being ended, & also his Prayer, the Respondent, & all his Bretheren standing with him by the Seat, do take this Oath, which the Proctor giveth,

¹ See Note 2, p. xxiv. Appendix A.

a Bedel holding the Book: *Jurabitur quod nunquam resumetis Gradum Baccalaureatus in eadem Facultate sicut vos &c.*

Then they are to sit upon the Form before the respondents Seat; & a Bedel having covered their faces with their Hoods, he holdeth up his Staff & saith, *Honorande Pater, ad Commendationem: which being ended, the Bedel doth uncover the Inceptors' Faces, & saith again, Honorande Pater, solent quæri Quæstiones, sub quo? quando? et ubi? & Sub quo? Sub meipso Quando? Crastino die. Ubi? Hoc ipso in loco, deo volente.* Then the Bedels bring down the V. C. the noblemen, the Father and the Disputants, and carry them into the vestry; where the D^{rs}. men take off their Masters Copes, & put on their Scarlet Gowns, & so they go to the College, of which the Answerer is, to Dinner. The University Musicians usually standing by the College Hall, welcome them thither with their loud Music.

At 3 of the Clock the School Bell rings to the Act, & the V. C. & all the Company with him go to the Commencement House, & so soon as they are there placed, the Proctor sitting on the South side, beginneth with a short oration.

Then the Father in Philosophy sitting on the North side, with his eldest son on his right Hand, doth begin his exhortation: & after he hath ended his Speech, the Proctor calleth up the Varier or Prævaricator, who, having ended his Speech, is dismissed by the Proctor: & then the Philosopher is called for by him: & whilst he is reading his Position, the Bedels deliver out his verses in the like manner as they did in the morning at the Divinity Act.

The Position being ended, the Proctor speaketh to the first Opponent, who usually begins with a short speech; which being ended, he useth 2 or 3 Arguments in each question, & is taken off by the Proctors.

The 2^d. Opponent is called up, who maketh no speech, but falleth presently to his Disputation; & after he hath done, about 5 or 6 of the Inceptors in Arts take the Oath *De non resumendo Gradu*, as the Divines did in the morning. Then *Ad Commendationem*: and last of all, *Solent quæri Quæstiones, sub quo? &c.*

THE LAW ACT.

The Proctor, or Pro-Proctor speaketh 2 or 3 words to the Father of Law; then he beginneth with a speech: Then the Answerer readeth his Position. Verses are distributed &c. The Father disputeth first, and then the other Drs. in their Seniority.

When the Act is ended, the Respondent standeth by the Seat & taketh the Oath *De non resumendo Gradu* &c. And *Ad commendationem i: e:* with his Brethren. Solent *quæri Quæstiones* &c. The Rector, or Proproctor, who moderates at these two acts hath his Cap garnished with Gold Lace.

THE PHYSICK ACT.

Then the Physick Act begins, & the very same order is here to be observed, as was in the Law Act. Mem: That the Fathers in these Acts do not moderate nor determine the Quæstions, as the Moderator in Divinity doth.

IN DIE COMITIURUM.

The Bedels bring the Inceptors in Arts to the Father in Philosophy by 7 of the Clock in the Morning in their white Hoods turned. They go bareheaded, as they did yesterday. The Junior Bedel goeth before them, & the Senior Brother cometh last immediately before the Father: then the 2 Proctors with their Books &c. When we come to the rest of the Fathers, viz: of Physic, Law and Divinity, their Sons do likewise go before them, in their Juniority, with their Robes on, but with their Caps off.

After a little stay with the Father in Divinity, we go to wait upon the V. C. And when we come from his Lodging, he goeth next after the Father in Divinity, in his Scarlet Gown, with the Senior Bedel before him. And now we all go directly, to St. Mary's, where the V. C. is placed with the Drs. of his own Faculty in the upper Stage at the West End of the Church. The Father in Divinity sitteth in the lower Stage, with his Sons on his right hand.

The Lady Margaret's Professor (who is usually the Moderator this Day) sits on the South Side in the same seat the V. C. did

the Day before: the Fathers of Law & Physick on the N. side, as they did yesterday: the Proctors likewise on the N. side, & the father in Philosophy on the S. side. All being placed the Moderator beginneth with a Prayer, & a short Speech: which being ended, The Father in Divinity maketh a Speech; & when that is done, the Proctor saith, *Honorande Pater, ad Creationem*¹: Wherein a Cap, a Book, a Ring, a Chair & a Kiss are used.

Then the Father calleth up the Answerer, & showeth him his sons, whom he encourageth, &c.

Then the Answerer beginneth his Prayer and Positions, & whilst the Position is reading, the Bedels deliver verses & Groats to all Drs. present, as well Strangers as Gremials. The Position ended, the Father replieth first: then his eldest Son; & so the rest in their Seniority. But in case there be not above 2 or 3 sons, then 2 or 3 of the Junior Doctors being Gremials, may reply if they please.

Every Inceptor in Theologia, Jure & Medicina is to make a short Speech immediately before he disputeth; in which he thanketh the University, & likewise his Father. The Moderator, after he hath taken off the last opponent, doth dismiss the Respondent with Commendations &c. Then he determineth, & concludes with a Prayer.

Then the Proctor saith to the Senior Inceptor in Divinity, *Reverende Doctor, incipe: Ad Oppositum: Pone dextram manum in Manum Dris. Dabis Fidem de observando statuta, Privilegia, et consuetudines hujus Universitatis approbatas: Pone Manum supra Librum: Jurabis de Continuatione Regiminis tui ad Biennium: Jurabis etiam quod extra hanc universitatem, nusquam, præterquam Oxoniis, in aliqua Facultate incipies, aut Lectiones tuas solenniter resumes; nec consenties quod aliquis alibi in Anglia incipiens, hic pro Dre. in illa Facultate habeatur. Determinabis Quæstionem in Aures Dris sedendo.* Then the Proctor saith again, *Revde. Dr. ad Professionem.* Which Profession the Dr. readeth out of a printed Copy, in these words.

In Dei nomine, Amen, Ego A: B: ex animo amplector universam Sacram Scripturam Canoniceam, Veteri et Novo Testa-

¹ See Note, p. XL. Appendix A.

mento comprehensam; omniaque illa, quæ vera Ecclesia Christi Sancta et Apostolica, Verbo Dei subjecta et eodem subornata respuit, respuo; quæ tenet, teneo; et in his omnibus ad Finem usque vitæ perseverabo, Deo mihi pro summa sua misericordia Gratiâ præstante, per Jesum Christum Dominum nostrum.

Then the Proctor saith, *Exito*. The like is done by all the rest. Mem. that the same Order is observed in the Law & Physick; saving that, *Ad Professionem*, is left out, & the Proctor, or his Deputy is moderator.

The Proctor presently after he hath sworn the Inceptors in Divinity, begins his speech; which ended, the Father in Philosophy, having his eldest son on his left Hand, beginneth his Speech, & at the end thereof creates his son, by putting on his Cap &c.

Then the Varier or *Prævaricator* maketh his Oration. Then the son maketh a short Speech, & disputeth upon him. Then the Answerer in Philosophy is called forth, & whilst he is reading his Position, the Bedels distribute his verses &c. When the Position is ended, the eldest son, & 2 masters of Arts reply upon him. The Senior Mr. of Arts usually makes a Speech, before he replieth; but the 2^d. opponent doth not.

This Act being ended, the Proctor saith, *Honorande Pater, ad Creationem*. Then a Bedel calleth, *Magister A: B: Coll: Regal: when he is in the Father's seat, the Proctor saith, Magister, incipe. Ad oppositum*. Then the Father puts on his Sons Cap: & then the Proctor readeth on, *Pone dextram manum in manum Magri. Dabis Fidem de observando Statuta, Privilegia et Consuetudines istius Universitatis approbatas. Pone manum supra Librum* (now the Inceptor taketh off his Cap). *Jurabis de Continuatione Regiminis tui ad Quinquennium. Jurabis etiam, quod extra istam universitatem, nusquam, præterquam Oxoniis in illâ Facultate incipies, aut Lectiones tuas sollemniter resumes: nec consenties, quod aliquis alibi in Anglia incipiens hic pro magistro in illa Facultate habeatur*. Now he kisseth the Book. Then the Proctor saith, *Determinabis Quæstionem in Aures Magri sedendo*. And then, *Exito*.

After some 10 or 12 are thus created in the Church, the Proctor standeth up, & saith, *Reliqui expectabunt Creationem*

in Scholis Philosophicis. Then the Father, Proctor, & Bedel goe into those Schools, & there create all the rest.

Mem. That if there be a determination the next morning at 8 of the Clock; or a Congregation at 9; they are to be called before the Law Act begins.

The Father of Law being come into his Seat, & his sons with him, Mr. Proctor desires him to begin. Then he maketh a short speech, & so goeth to the creation; in which are 5 things used, as in the Creation of Drs. in Divinity; viz. a Cap, a Book &c.

Then the Father, or Mr. Proctor calleth up the Answerer, who readeth his Position, whilst the Bedels deliver Groats & Verses to all the Drs. there present. The Noblemen, Strangers & others are to have verses, but no Groats.

The Position being ended, the Father replieth first, & then his Sons in their Seniority. The last disputant being taken off, Mr. Proctor, in a few words, doth end the Act. Then the young Drs. take the same oath that the Divines did in the Morning. Then presently after the Physick Act begins, in which the same Order is observed, as was in the Law Act.

Now if there be no Music Act, Mr. Proctor maketh a short Speech, thanking the Auditory for their patience, & desireth their pardon in case there have been any Slips or mistakes in such variety of exercises.

Mem. That the varier to be in the future Commencement hath this Oath added, *Jurabis etiam quod sequenti Anno in proximis Comitibus per te, vel per alium variabis, determinabis Questionen &c.* He is sworn last, tho' he be one of the first that is called.

Mr. Proctor doth usually (after he hath read all the Oath to the senior brother) when he cometh to, *Pone manum super librum*, say, *Idem Juramentum quod præstitit A: B: in sua Persona, præstabis et tu in Persona tua; sicut te Deus adjuvet &c. Determinabis &c. Exito.*

Mem. That if it should fall out, that the Inceptors in Divinity, Law or Physick, be not admitted before the Vespers, then there is no Benediction to be given by that Father whose sons are not admitted. However, they are to go in the Proces-

sion, & wait on their Fathers, & the V. C. both to the Schools, & Commencement House.

Mem. also, That if any of the Inceptors in Arts be absent, when he is called by the Bedel, Mr. Proctor saith, *Reservamus ei senioritatem suam*.

Upon the Fryday next following the Commencement, there is a Congregation ex Statuto; & presently after the Dispatch of some Business there, the Vice Chancellor readeth the 67 Psalm, pronounceth the Absolution & dissolveth the Congregation *una cum Termino usque ad decimum Diem Octobris*.

“N.B. Here there begins a new Title: though it
“seems to be only a continuation of the same Book.”

*Consuetudines et Ceremoniæ Academicæ
ab Antiquo Recepta, usu præsentì continuatæ,
Posterisque communicatæ. A^o. 1665.*

All Noblemens Sons, which have place in St. Mary's are admitted at the Table in verbo Honoris &c. They do then take their places above the Doctors. But such as have not place there, are admitted at the Foot Pace, & take their Oaths, *Singulos qui hic Gradum &c.*

Whosoever is admitted by Virtue of his Majesty's Letters doth likewise take the said Oaths, after he hath taken the Oath of Allegiance.

If any Mandates are brought for Degrees in the Vacation time, then this, or the like Grace is propounded to the *Caput Senatus*: & so soon as Mr. V. C. hath read the same to the Houses, “May it please you, that this Convocation be immediately turned into a Congregation, for the better performance of his Majesty's Commands now read unto you.”

This being granted Mr. V. C. & all the Drs. go into the Law Schools, & put on their Copes. The Noblemen, Proctors, Taxers, & the rest of the Regents do likewise there put on their Hoods,

the white sides being turned outwards. This done they all come into the House again, & then the Commencer is brought in by a Bedel to be presented.

If he is to be admitted Bac: in Div: or Dr. (who is not Bachelor in that Faculty), he is to be presented first in the non-Regent House, unto the Proctors, by the Regius Professor, or, in his absence, by some other Dr. in that Faculty, in these, or the like words:—"Dni. Procuratores, præsentō vobis dignissimum hunc virum, ut juxta Tenorem Regii mandati admittatur ad opponendum in Sacra Theologia." Then he kneeleth down before the Senior Proctor, who taking both his hands into his own, saith:—"In Dei Nomine, Amen. Autoritate nobis commissā, nos admittimus Te ad opponendum in Sacra Theologia, juxta Tenorem Regii Mandati. In nomine Patris, &c."

Then he followeth the Father into the Regent House, where he presenteth him to the V. C. &c. in his verbis, if he is to be Dr. Dne. Procancellarie, & tota Universitas, præsentō vobis dignissimum hunc virum, ut cooptetur in Ordinem Doctorum in Sacra Theologia, juxta Tenorem Regii Mandati.

Then the Senior Proctor gives him the Oaths before mentioned, & the V. C. doth presently admit him in these words:—"In Dei nomine, Amen. Autoritate nobis commissā, nos admittimus Te ad interpretandum et profitendum, &c., as in the ordinary form, adding only these words,—juxta Tenorem Regii Mandati.

Then after he hath given a thankfull Respect to the V. C. he goeth to the Table, & there giveth God thanks, &c. Then he is carried by a Bedel into the Law Schools, where he puts on his Cope, & so cometh in to be created; which creation is the same, that is at the commencement.

Drs. of all Faculties are presented in black gowns & non-Regent Hoods. Masters in Arts & Bac: of Law & Physick in Bac: of Arts Hoods, with the black side turned outwards.

So soon as a Mr. of Arts is admitted, he goeth into the Law Schools, & there putteth on a Regent Hood, & cometh up presently to be created, which the Proctors doe in like manner as at the commencement.

After the creation of all Drs. & Mrs. in Arts, this Grace is read, & taken by the Proctors with Placets—non Placets; viz: Dr. A: B: &c. petunt a vobis mensis Absentiam.

COMMENCING THE ORDINARY WAY WITHOUT MANDATES.

Bac^{rs}. & Dr^s. in Divinity are to visit all Dr^s. in that Faculty. Bac^{rs}. & Dr^s. of Law are to visit all Dr^s. in that Faculty. Bac^{rs}. & Dr^s. of Physick are to do the like by all Dr^s. in their Faculty.

When Bac^{rs}. or Dr^s. in Divinity do stand the last Scrutiny of Scio—Credo—Nescio, the Bedels do carry up the Dr^s. of that Faculty to the V. C. & Proctors, who do take the said Scrutiny. But the Bedel doth not call Ad Scrutinium.

If they pass quietly the Scrutiny, a Bedel goeth before them to the upper Table, where they give a thankfull Respect to the V. C. & the rest of the Dr^s. in Divinity: and then the V. C. admitteth them. The same order is observed by the Dr^s. of Law & Physic, & likewise with the Bachelors of the said Faculties.

If any one be stayed by the greater part of Non Placet's, or Nescio's, & the Congregation dissolved, his grace must pass the Head again.

If any one be stayed by a non visitavit, yet he may be admitted at the same Congregation, in case the Party whom he did not visit, will be contented to be visited in the House, & shal signifie so much to the Vice-Chancellor.

A Dr. in Divinity, that is Bachelor in that Faculty, is presented only in the Regent House. Every Dr. & Bac: in Div: ought to have 2 Scio's or Credo's. Dr^s. of Law & Physic, & Bac^{rs}. in the said Facultys are to have every one the like.

If any Grace passeth the Head, & be denyed in either House, yet it may be read 3 several Times at the same Congregation, (or at the next the former being continued,) which is the Custom & favour of the Houses: but in case it be not granted, it must pass the Head again.

If it shall so happen in Scrutiny, that there be as many Placets as Non-Placets; or Scio's & Credo's as there are Nescio's: then the Proctor goeth to the Foot-Pace & saith, *Paria sunt suffragia, ergo per novum Scrutinium sunt examinanda.*

There may be 3 several Scrutinys likewise called at the same Congregation.

If any man be stayed by Mr. V. Ch^s. Authority, upon some private exception, he having performed his Visitations, & passed the Scrutiny, may be admitted at any Congregation, without further circumstance or ceremony.

If any of the Caput Senatus happens to die within the compass of that year he is chosen to that Place, then the Senior of that Faculty present at the Congregation or Convocation, is to supply his room for the remainder of the year.

All Graces for Degrees sleep a Congregation, excepting those which are put up for Noblemen & Bach^{rs}. of Arts.

If any man be admitted, ad practicandum in Medicina vel Chirurgia, who is no graduate, he is to be admitted either in a Fellow-Commoner's or mourning Gown; & to wear no hood.

They which are admitted, ad practicandum in Medicina vel Chirurgia, do never kneel at the Table; neither do they which are incorporated.

All men which are incorporated, are to pay the ordinary fees; excepting only Oxford men, which are Gremials, who usually pay 12^d. to the Register, for entering their names.

If any Oxford man cometh to be incorporated Bach: of Arts, & after that, taketh the Degree of Mr. of Arts, he is to pay the Junior Proctor the accustomed fees for his Bachelorship, viz. 0^l. 18^s. 4^d. And for his Degree of A: M: as our Inceptors do.

There are no supplicats put up for King's College Fellows, when they commence Bach: or M^{rs}. of Arts; but the Proctors do only ask their Grace, ad intrandum, in his verbis, *Placeat Vobis, ut A: B: Coll: Regal: Socius bona vestra cum Venia intret, or intrent, if more than one.*

Graces ad intrandum are never put up to the Caput Senatus; but are read by the Proctors, & taken by Placets, &c.

D^{rs}. & Bach^{rs}. in Div: which are to be incorporated, are pre-

sented by a Dr. of that Faculty. Drs. of Law, Physick & Musick, and likewise Bach^{rs}. of the said Facultys, are presented by Drs. of the said several Faculties.

Regents & Non-Regents are to be presented by the Orator, Senior Proctor, or Sen^r. Regent. They take the oaths to the King, & Jurabis quod observabis Leges & Statuta &c. quatenus non contrariantur, &c.

All D^{rs}. to be incorporated, are brought into the House by a Bedel, they following him in their Copes or Robes: & when they are presented, sworn, & admitted, they are to take their places among the D^{rs}. of their own Faculty, without kneeling at the Table.

In case the 23 of June, or 7 of Sept. fall upon the Sunday, then the Proclamations are usually made upon the Saturday before.

If the 10 or 12 of Octob. the 3^d. of Nov: or 16 of Dec: fall upon the Sunday, yet notwithstanding we meet in the Senate House, to perform those things which are required then to be done, by the Statutes of the University. But of late years I have also observed, that if the 10 of Oct. hath fallen on a Sunday, the V. C. & Heads of Colleges have deferred those many businesses, which should have been done that Day, till the next day following, in Regard the Performance of them did usually take a great deal of Time.

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